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Vaisakha 6, 1883 (Saka)

LOK SABHA DEBATES

(Thirteenth Session)

(Vol. LV contains Nos. 51 - 61)

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LOK SABHA

Wednesday, April 26, 1961/Vaisakha 6, 1883 (Saka).

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

All India Panel for High Court Judges

\+

*1731. **Shri Ram Krishan Gupta:**
Shrimati Ila Palchoudhuri:
Shri Hem Raj:
Shri Nath Pai:
Sardar Iqbal Singh:
Shri Pangarkar:
Shri Rami Reddy:

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 951 on the 29th November, 1960 and state the further progress made so far in constitution of the All India Panel of persons considered suitable for appointment as High Court Judges?

The Minister of State in the Ministry of Home Affairs (Shri Datar): Since the Unstarred Question No. 951 was answered on the 29th November, 1960, a panel has been received from one more State namely Assam.

Shri Ram Krishan Gupta: May I know the names of the States which have not sent their panels so far and the reasons for the same?

Shri Datar: In all, about ten States have already sent in their panels. We are expecting them from the other States.

Shri Ram Krishan Gupta: The Law Commission has stated in its report that political, communal, regional and executive influences are the main factors which influence the appointment of judges. In view of this statement, what steps are the Government proposing to take to expedite this matter?

Shri Datar: After the States Reorganisation Bill was passed, we informed the House that, in principle, Government were generally in favour of one-third of the judges being from other States. We communicated it to the States. In some cases, action has been taken and about 12 persons have been appointed to the various High Courts in different States. We are trying our best to see what has been promised will be duly implemented.

Shri Jaganatha Rao: May I know the nature of the objections the States have to an all-India panel?

Shri Datar: The Conference of Chief Justice has considered this question. They have some objection to the panel from the advocates in some cases. Instead of a panel of district judges and advocates, they have suggested that it would be better to have a penal of members belonging only to the All India Judicial Service.

Shri Amjad Ali: The hon. Minister has stated that he has not received the panel from Assam. Have they refused to send it or are they sending it?

Shri Datar: Assam has sent it. I have replied just now that a panel has been received from one more State, namely, Assam.

Shri Hem Barua: May I know whether in constituting the all-India panel of judges for High Courts any special weightage is proposed to be given to States that are still backward in educational and intellectual backeddis?

Shri Datar: This depends more upon the Chief Justices and Chief Ministers

of the various States. All that we could do was to bring to the notice of the various State Governments and, through them, the Chief Justice that, as far as possible, we should reach the figure of one-third, so far as outside judges were concerned.

Shri Heda: May I know the number of States which either did not agree with that recommendation or have delayed the expression of opinion? What further action do the Government propose to take in their cases?

Shri Datar: The Government have considered this question. The late Home Minister mentioned this point at the Chief Minister's conference, and they generally agreed that at least a beginning should be made by having such a panel, in the first instance, of the serving judges' cadre.

Shri Narayanankutty Menon: May I know whether this panel consists of the names of both the advocates and also members of the judicial service and, if so, what is the proportion between the judicial service and the advocates in that panel for the purpose of appointment?

Shri Datar: No such proportion has been laid down. The procedure for appointment is this. The Chief Justices of the various High Courts consider the names of either advocates or serving judges and then those names are sent to us.

Some Hon. Members *rose*—

Mr. Speaker: All hon. Members may be interested in this question. But I cannot give opportunities to all.

Shri Raghunath Singh: We are all interested in this.

हिमाचल प्रदेश में राजनैतिक पीड़ित

*१७३२. श्री भक्त दर्शन :
श्री प्र० चं० बरुआ :

क्या गृह-कार्य मंत्री २४ नवम्बर, १९६० के अतारांकित प्रश्न संख्या ७२४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश के राजनैतिक पीड़ितों को आर्थिक सहायता देने का जो प्रश्न विचाराधीन था उसके बारे में अब तक क्या गति हुई है ; और

(ख) उन राजनैतिक पीड़ितों में आजाद हिन्द फौज के भूतपूर्व सैनिकों की संख्या कितनी है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री दातार) : (क) और (ख). हिमाचल प्रदेश राजनैतिक पीड़ित समिति ने राजनैतिक पीड़ितों के ४३७ मामलों की देख भाल कर ली है, जिनमें आजाद हिन्द फौज के भूतपूर्व सैनिक भी सम्मिलित हैं तथा समिति की सिफारिशें शीघ्र ही प्राप्त होने की आशा है । ५८ मामले और समिति के विचाराधीन हैं ।

I shall read it in English also.

(a) and (b). The Himachal Pradesh Political Sufferers Committee have completed scrutiny of 437 cases of political sufferers, including ex-INA personnel and their recommendations are expected shortly. 58 more cases are under consideration of the Committee.

श्री भक्त दर्शन : श्रीमन । इस कार्य के लिये जो समिति बनाई गई है, मैं जानना चाहता हूं, कि क्या उसमें वहां के प्रमुख गैर-सरकारी लोगों को भी लिया गया है या नहीं ?

Shri Datar: I have not got here the composition. But I believe the committee consists of both officials and non-officials. I speak subject to correction.

श्री भक्त दर्शन : श्रीमन । आजाद हिन्द फौज के लोगों की यह शिकायत रही है पिछले दिनों तक कि उनको राजनैतिक पीड़ित नहीं माना जा रहा है तो क्या इस सम्बन्ध में केवल हिमाचल प्रदेश सरकार से, या

और राज्य सरकारों से भी अनुरोध किया गया है कि राजनीतिक पीड़ितों को सहायता देते समय उनका भी खयाल रखा जाय ?

Shri Datar: According to the definition of "political sufferers" which has been evolved by the Government of India, the ex-INA personnel did not technically come within that definition. Therefore, the matter was referred to the Ministry concerned. They stated that the ex-INA personnel should also be treated as political sufferers.

Shri Raghunath Singh: That is very good.

श्री भक्त दर्शन : श्रीमन । चूंकि इस सम्बन्ध में अभी तक थोड़ी बहुत गलतफहमी राज्य सरकारों के दिमागों में है तो क्या केन्द्रीय सरकार यह उचित समझती है कि इसको पूरी तरह स्पष्ट कर दिया जाय और इस तरह के स्मरण पत्र राज्य सरकारों को दुबारा भेज दिये जायें ?

Shri Datar: Government will do it.

Shri Hem Barua: In view of the fact that the sacrifices of those who participated in the national struggle are not investments in patriotism entitled to dividends after the achievement of freedom, may I know whether Government propose to discontinue this invidious distinction between man and man?

Mr. Speaker: The hon. Member is arguing.

Shri Datar: The first part of his preamble was very long.

Mr. Speaker: No, he need not understand it. Even those persons who fight in a bloody battle are rewarded. In this non-violent struggle many a person has suffered. So, it is a strange kind of attitude. In any case, it is a suggestion for action by the hon. Member. It also involves a change of policy. On both grounds it is ruled out.

Forced Landing by I.A.F. Plane near Ludhiana

\+

*1737. **Shri Ram Krishan Gupta:**
Shri Tangamani:
Shri Dharmalingam:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that an I.A.F. plane made forced landing in a field near Halwara Aerodrome, 20 miles from Ludhiana, on the 29th March, 1961;

(b) whether it is also a fact that the plane was smashed; and

(c) if so, causes of accident?

The Deputy Minister of Defence (Sardar Majithia): (a) No, Sir. An I.A.F. plane did forceland near Halwara Aerodrome on the 28th March 1961.

(b) The aircraft was destroyed by fire.

(c) A Court of Inquiry has been ordered in accordance with Air Force Rules. Until the proceedings are finalised, the definite cause of the accident cannot be indicated.

Shri Ram Krishan Gupta: May I know the nature and the details of the injuries suffered by the crew or any passenger?

Sardar Majithia: No loss of life was involved in it?

Shri Narayanankutty Menon: During the last one year a large number of accidents were reported by the I.A.F. planes. May I know whether apart from the normal departmental enquiry orders in these cases any attempt has been made by the Ministry to find out the general causes of these accidents?

Oil Survey in Punjab

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*1738. **Shri D. C. Sharma:**
Shri Bahadur Singh:
Shri Inder J. Malhotra:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether a survey in connection with an oil field in the reverain belt along the Sutlej river in Zira Tehsil of District Ferozepur is being done under the supervision of a Russian Team; and

(b) if so, the prospects thereof and the progress made so far?

The Minister of Mines, and Oil (Shri K. D. Malaviya): (a) Yes, Sir.

(b) A structural well is being drilled about 2½ miles South-West of Zira. The prospects of the area will be known only when this well is completed and data thus obtained evaluated.

Shri D. C. Sharma: May I know how long the construction of this structural well would take?

Shri K. D. Malaviya: The projected depth of this well is 1,200 metres, that is, 3,800 feet, out of which we have done about two-thirds, that is 700 metres. It is only a structural well which is meant to obtain information of the various layers of rocks lying below. After that we will evaluate it and then we have to put several holes like that before coming to a decision.

Shri Inder J. Malhotra: May I know what are the indications up till now—whether there is any possibility of finding oil?

Shri K. D. Malaviya: Seven hundred metres are nothing in order to get a definite idea of what is lying below. It is just clay, sand and sandstone.

Shri Bahadur Singh: May I know for how long this survey has been going on and what is the area that would be covered by it?

Shri K. D. Malaviya: The area of prospecting is the entire Punjab basin including the Himalayan regions. This restrictive area is round about Zira and the survey includes preliminary examination also. Drilling has been finally decided upon in this area.

Shri D. C. Sharma: The hon. Minister said that after the structural well had been dug he would collect data. May I know what kind of data would be collected after the well has been dug or bored? What kind of data is already in the possession of the Ministry which has led it to undertake this work?

Shri K. D. Malaviya: We make a preliminary examination with a view to seeing whether there are certain suitable structures down below where drilling should be resorted to. That data having been obtained, we actually undertake drilling. The drilling gives the data of layers of rocks which might be of marine origin or non-marine origin. As we collect this data we evaluate it and come to some sort of a decision.

Shri D. C. Sharma: What is the percentage of success in the undertakings that the Ministry has launched upon?

Shri K. D. Malaviya: There has not been very encouraging proportion of success in Punjab. We have drilled several holes and unfortunately we have failed in most of them, but I shall go on drilling.

श्री त्यागी : इन तिलों में तेल नहीं है।

Indian Soldiers Involved in Car Accident in Congo

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*1739. **Shri Raghunath Singh**
Shrimati Ila Palchoudhuri:
Shri D. C. Sharma:
Shri Ram Krishan Gupta:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a certain number of Indian soldiers of the United Nations Force in the Congo were resently seriously injured as a result of a car accident in Leopoldville;

(b) if so, full details and cause of the accident; and

(c) the steps taken by the Government of India in connection therewith?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) to (c). On the 7th April, 1961, a jeep belonging to No. 2 Battalion, the Jat Regiment met with an accident while trying to over-take a civilian truck near NDJILI bridge in Leopoldville. As a result, all the eight Indian soldiers travelling in the jeep were injured, two of them seriously. Of these two, one succumbed his injuries later in the hospital; the second one is progressing satisfactorily. A court of enquiry has been convened to enquire into the circumstances of the accident.

Shri Raghunath Singh: Who was at fault, the jeep or the truck?

Shri Raghuramaiah: As I have said, a court of enquiry has been convened to enquire into the circumstances of the accident. But I might say that according to our present information the accident occurred while the jeep was trying to overtake a civilian truck.

Shri D. C. Sharma: May I know how many accidents there have been all these days ever since our army went to the Congo and what precaution Government propose to take to prevent such accidents?

Shri Raghuramaiah: So far as my information goes, we are only aware of this. But if my hon. friend puts a separate question, I shall furnish the necessary information. As regards the precautions, I should say that our armed forces can be trusted to take all the necessary precautions for their safetly.

Shri M. R. Krishna: May I know whether the speed restrictions which are strictly adhered to in this country are also followed in the Congo by our troops?

Shri Raghuramaiah: I have no specific information in this, but I presume that if there is such a restriction, our forces would follow them.

Diploma of Rural Services

*1740. **Shri B. C. Mullick:** Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 1425 on the 10th April, 1961 and state the action taken by the Government of India on the recommendations made by the Inter-University Board at its meeting held recently at Dharwar regarding recognition by Universities of the diplomas of rural institutes?

The Minister of Education (Dr. K. L. Shrimali): The Universities in India were addressed on 1st March, 1961 to accord necessary recognition to the Diploma in Rural Services for purposes of admission to Post-graduate courses. The matter is being pursued.

Shri B. C. Mullick: May I know how many State Governments have recognised this diploma for appointment in government services?

Dr. K. L. Shrimali: All the Public Service Commissions, except those of Gujerat, Jammu and Kashmir and Orissa have recognised the diploma as equivalent to B.A. We have also written to the universities and those of Allahabad, Bihar, Bombay, Delhi, Kurukshetra, Marathwada, Nagpur, Poona, Saugar, and Sri Venkateshwara have written to us that they are placing the matter before the appropriate authorities at the next meeting.

Shri Basappa: Even for admitting the bright students of these institutions is there any objection on the part of the universities?

Dr. K. L. Shrimali: There is no objection. This matter was considered at the last meeting of the Inter-University Board and I am glad to say that the Inter-University Board recognised the good work that is being done by these institutions and have given recognition to their courses. This will mean that the students who are going out of these institutions will be able to seek admission for post-graduate courses in the Universities.

Shri Basappa: In all subjects or only some subjects?

Dr. K. L. Shrimali: In some subjects in Humanities which are related to the courses in rural institutions.

डा० गोविन्द दास : मैं यह जानना चाहता हूं कि अब तक कितने विद्यार्थियों को यह ग्रामीण सेवाओं का डिप्लोमा दिया जा चुका है और क्या यह कार्य सब के लिए एक सा ही है, या अलग अलग जगहों पर अलग अलग प्रकार का है ।

डा० का० ला० श्रीमाली : इन इंस्टीट्यूट्स में भिन्न भिन्न प्रकार के कोर्सिज़ हैं—रूरल सर्विसिज़ के लिये डिप्लोमा है, इंजीनियरिंग और सैनिटरी इंस्पक्टर्ज़ के लिये कोर्सिज़ हैं, इत्यादि । जहां तक विद्यार्थियों की संख्या का सम्बन्ध है, वह अभी मेरे पास नहीं है । यदि माननीय सदस्य नोटिस देंगे तो बता ूंगा ।

Shri Balraj Madhok: May I know how many such institutions there are in the country and what is their distribution State-wise?

Dr. K. L. Shrimali: I said I shall need notice to answer that question. I may inform the hon. Member that there are at present ten or eleven institutions all over the country. They are spread all over the country. Their examinations are conducted by the National Council of Rural Education and diplamas are awarded.

Smoke in East Patel Nagar

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*1741. { **Shri Balraj Madhok:** / **Shri Braj Raj Singh:** }

Will the Minister of **Defence** be pleased to state:

(a) whether the attention of Government has been drawn to the fact that on the evening of 10th April, 1961 the East Patel Nagar locality of Delhi was enveloped in thick pungent smoke causing servere panic among the residents of the areas; and

(b) whether it is a fact that the smoke was due to the burning of smoke bombs by military personnel nearby?

The Deputy Minister of Defence (Sardar Majithia): (a) Government have seen reports which have appeared in the press, that some concern was caused in the residential locality of East Patel Nagar due to smoke coming from a military establishment.

(b) The smoke was due to the burning of smoke candles by the military authorities, in the course of military training.

This smoke was not injurious.

Shri Balraj Madhok: Will Government take steps to shift the military establishment from there, as it is surrounded on all sides by thickly popuated areas.

Sardar Majithia: The military establishment is not going to be shifted. Normally this work is done in the open, Tughlakabad range, but as the range was not available at the time it was done in this area. Normally it is not done in that area.

Shri Balraj Madhok: This has happened before too, because the area is nearby; it is not the first time.

Sardar Majithia: This is the first time.

Mr. Speaker: This is the first time, he says.

श्री ब्रजराज सिंह : इस बात को देखते हुए कि इस मिलिटरी संस्थान से वहां आस पास के लोगों को ऐसे धुएं से परेशानी हो सकती है, क्या भविष्य में इस बात का अहतियात रखा जाएगा कि जब इस तरह का कोई काम हो तो आस पास के निवासियों को पूर्व सूचना दे दी जाए कि इस तरह का काम होने को है, जिससे कि वे उसके बारे में सावधान हो जाएं ।

Sardar Majithia: It is a suggestion for action. As I have said already, since the range of Tughlakabad was

not available it was held here; that was the only reason why it was held here. Normally it is held in the open space.

Mr. Speaker: All that he wants is this. He does not object to its being used. But he says that due notice may be given to the residents to avoid any misunderstanding on their part or their getting into a panic.

Sardar Majithia: That is a suggestion for action.

Mr. Speaker: Very well.

Bauxite Deposits at Katni

*1742. **Shrimati Maimoona Sultan:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether the bauxite deposits at Katni in Bhopal have of late been revalued at a level higher than the figures estimated in 1948 by the Geological Survey of India;

(b) if so, to what extent they are higher;

(c) whether there is a scheme under the Third Five Year Plan for the exploitation of these deposits; and

(d) if so, what are the outlines of the scheme?

The Minister of Mines and Oil (Shri K. D Malaviya): (a) and (b). The Geological Survey of India had conducted a surface survey of the bauxite deposits at Katni in 1948 and estimated the reserves as 5 lac 20 thousand tons. Subsequently the Government of Madhya Pradesh had the deposits re-estimated by their Department of Geology and Mines who reported that the reserves had been estimated at 4.6 million tons. However, as this re-estimation by the State Government is based on visual examination and not on test drilling, the actual reserves will have to be proved before this figure can be accepted.

(c) and (d). No, Sir.

Shrimati Maimoona Sultan: In view of the fact that this area is so rich in bauxite deposits, may I know if the Government propose to set up an aluminium plant there and, if so, when the scheme is likely to materialise?

Shri K. D. Malaviya: No; the estimates have to be investigated in further details before any plan for exploitation can be decided upon.

Caltex (India)

*1743 **Shri Hem Barua:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether the total number of Indians with Caltex (India) Ltd., on whom "Quit" notices are served by the party concerned has been ascertained;

(b) whether it is a fact that in the notices thus served the word "retrenchment" is not used and, if so, what is the basic reason for serving these quit notices;

(c) whether it is also a fact that no basic principle is followed by Caltex (India) Ltd. in the matter of serving these notices; and

(d) whether Government propose to take any step in the matter?

The Minister for Mines and Oil (Shri K. D. Malaviya) (a) According to the information obtained from the Company, they have a total number of 3808 employees, of which all the 37 non-Indians and 606 Indians are in supervisory and executive posts. Out of the Indians in such posts, the Company have dispensed with the services of 13 persons by giving them notice of pre-mature or early retirement.

(b) and (c). The word retrenchement was not used in the notices. The Company reports that, after a through staff survey to ensure efficiency and productivity, each of these particular employees was fuond to have repeatedly demonstrated his inability to carry out the duties of his position; nor could he be fitted into any other position which was vacant and to

which he could be transferred. The Company claim that this was the basic principle followed by them in giving notices to these particular employees.

(d) It is open to any of the aggrieved employees to seek redress under the procedures that already exist for settling differences between employees and employers.

Shri Hem Barua: May I know whether this unwarranted dismissal of the Indian personnel by Caltex can be connected in any way with the Government's pressure on the company to offer reduction of prices of petroleum products and, if so, whether it is not a retaliatory measure adopted by Caltex?

Shri K. D. Malaviya: It is a matter of opinion, and I can make no comment on what my hon. friend has said just now.

Shri Hem Barua: Sir, may I draw your attention to the fact that on a previous occasion the hon. Minister was pleased to say that with the reduction in the prices of petroleum products they may feel that they can no longer retain these people. And that is why I put this question. I would like the hon. Minister to ascertain it from them, because it can be interpreted like that. And if one interprets it like that that it is a retaliatory measure, it is difficult to dislodge them.

Shri K. D. Malaviya: What further comments could I make on it when I have said something in the last answer? If it is the suggestion that I should make enquiries from the company, that is a suggestion.

Shri Hem Barua: May I know whether the employment policy to be pursued by the foreign firms, particularly Caltex, constitutes a part of the agreement that we had with this company and, if so, what it is?

Shri K. D. Malaviya: If it is a part of the agreement, I do not know, because I have not got the details of the agreement with me just now. But the spirit of the understanding has always been that there will be a progressive Indianisation of the staff. And there is no doubt that there has been a steady progress in the number of Indians employed by this company. So far as the lower grades of salaries are concerned, overwhelmingly very large numbers are Indians, but so far as grades of Rs. 1,000 and higher grades are concerned, the numbers have been brought down. The number of non-Indians have been brought down in the last three and a half years from 297 to 183. So I think progressive Indianisation is going on.

Shri Hem Barau: May I know whether our Government labour laws apply to the foreign firms, including Caltex; and, if so, whether these people have been told by Caltex that in order to increase productivity they have dispensed with the services of these people? I want to know whether it holds any water and what redress Government propose to give to these employees who are in difficulties?

Shri K. D. Malaviya: I cannot say anything about what they have said, except that they are entitled to express an opinion. On this Government have not given any views of their own. The Labour Ministry must be giving their thought to this, that is to the arguments that have been produced by Caltex.

Shri Hem Barua: Sir, on a point of order. It is the Steel, Mines and Fuel Ministry that has entered into the agreement with Caltex. So this is the function of the Steel, Mines and Fuel Ministry too. Now, like the epical impotent Pandu, they are trying to shelve the responsibility to another Ministry. It does not behove well....

Mr. Speaker: Order, order.

Shri Hem Barua: I would say this is the responsibility of the Steel, Mines and Fuel Ministry also.

Shri Raghunath Singh: What is the point of order?

Mr. Speaker: In the point of order the hon. Member is giving rise to an-

other point of order. The hon. Member always uses very strong expressions. It is unnecessary. He says "unwarranted dismissal". The hon. Minister said that according to the company they find those people absolutely incompetent. Therefore, he might have said "this dismissal". And subsequently he goes on to say "This does not behove" and so on and so forth. I do not know why a professor who is in charge of students should constantly be told that he should use moderate language. These don't break any bones. I would advise the hon. Member to use moderate language and elicit proper information from time to time.

So far as the point of order is concerned, is there an agreement to that effect which the hon. Minister in charge can enforce against Caltex?

Shri K. D. Malaviya: I have not got the agreement just now. But I do not think that the agreement between the Ministry of Steel, Mines and Fuel and the particular company includes provisions about giving security and all that, because that is a special responsibility of the Labour Ministry. That is why I said that the Labour Ministry presumably must be looking into it.

Mr. Speaker: Very well, I shall look into the agreement and decide as to which Ministry will be responsible for this.

Shri Hem Barua: Sir, on a point of personal explanation. We have forgotten our epics, we, who belong to the modern age; and that is why I made a reference to the epical episode. If you ask a modern person for instance a modern girl in Connaught Place who Jarasanda is, she will say that it must be the name of some hot dog or hamburger.

Shri Narayanankutty Menon: May I know whether the hon. Minister is aware that the companies are taking advantage of the recommendations made by the cost accountants that the cost of the operations are very high and therefore the cost of operations should be cut down; and, if so, whether the hon. Minister is also aware that those who are being sent out of the companies have long experience on the marketing side and whether Government will consider the question of absorbing these experienced people in the Indian Oil company?

Shri K. D. Malaviya: Government are taking some steps to see that the people discharged from other companies possibly may be employed by us, subject only to their being able to serve us.

Shri Joachim Alva: Has the Government the right to review the appointment of Indians to executive posts year by year, and has Government the right to scrutinise the character and the number of Indians appointed to these posts, especially in the public relations department of this company?

Mr. Speaker: He has said that he has to look into the agreement.

Shri K. D. Malaviya: Yes; excepting for the fact that we have been taking steps to persuade the companies to Indianise the staff, I do not think that we have entered into any agreement to examine the individual merit of a person, so far as his capacity to serve them is concerned.

Shri Narayanankutty Menon: With your permission, may I point out one thing? When you were pleased to give a ruling on the point of order, you made a remark that these people had been sent out by the company because of incompetence...

Mr. Speaker: That is not my view. Hon. Members do not seem to follow what is happening. A question was put, and the hon. Minister replied that the Caltex Co. claimed that they had tried these people time and again and ultimately found that they were not competent to hold the posts which they were holding, and, therefore, they sent them away. Then, the further question was put as to whether it was a retaliatory measure. The hon. Minister said that he could not say but this was the information that

he had. I only repeated the answer that was given by the hon. Minister. I have no views in this matter.

Shri Narayanankutty Menon: What I was pointing out was this, namely that the hon. Minister also said that their applications for the Indian Oil Co. would be considered. My next question is this. Now, it goes on record that these people have been sent out because of incompetence. May I know whether the hon. Minister has enquired into the matter as to whether it was actually a case of incompetence, because we have got records to show that these people have been sent out as an economy measure, because Government have directed them to cut down the operation costs?

Mr. Speaker: Has the hon. Minister gone into these cases?

Shri K. D. Malaviya: No.

Shri Hem Barua: May I submit that the hon. Minister was pleased to say on a previous occasion that it was as an economy measure that these people were sent out?

Shri K. D. Malaviya: When this question was put a few days back, I had not received any reports from the Caltex Co. At that time, I said what I presumed. I still have my own views about these matters. But now that I have received some reports from the Caltex Co., it is my duty to set them down and describe all these things as to what they say about it.

Shri Hem Barua: May we know what those views are?

श्री बजराज सिंह : क्या सरकार का ध्यान उन कर्मचारियों द्वारा भेजी गई कुछ ऐसी सूचनाओं की तरफ दिलाया गया है जिसमें कहा गया है कि यह कार्यक्षमता और दक्षता का प्रश्न नहीं है बल्कि सिर्फ बदले की भावना से उनके खिलाफ यह कार्यवाही की गई है । एकोनामी करने अर्थात् खर्चे में कमी करने का भी कोई सवाल नहीं है क्योंकि एक अफसर को जितनी तनख्वाह मिलती है उतनी ३० कर्मचारियों को भी नहीं मिलती है । यदि ऐसा है तो सरकार इस बात को देखते हुए कि कालटैक्स कम्पनी का तेल वितरण हिन्दुस्तान में सरकार की मर्जी से हो रहा है, क्या सरकार इसमें दखल देगी और फिर से ऐसे लोगों को नौकरी दिलवायेगी ?

श्री के० दे० मालवीय : मैं माननीय सदस्य को कहना चाहूंगा कि इसमें समझ लेने की बात है । जो ३७ आदमी निकाले गये हैं अलग किये गये हैं उन में से केवल हिन्दुस्तानी ही नहीं हैं बल्कि विदेशी भी हैं, कोई ३, ४ विदेशी हैं और ६ हिन्दुस्तानी हैं, ऐसा लगभग है । मेरा कहने का तात्पर्य यह है कि इसमें हिन्दुस्तानी और गैर हिन्दुस्तानी दोनों ही हैं जिनको कि उनकी राय में नाकाबिल समझा गया और उनको नौकरी से निकाल दिया गया ।

Shri Hem Barua: May I draw your attention to what you said on the previous occasion? What does it matter?

Mr. Speaker: How does it matter?

Shri Hem Barua: You were pleased to say on the previous occasion—and it was a very fine thing that you said—that:

> "Every other country imposes an obligation on foreign companies which are operating in those countries from outside and insists upon their taking more of their nationals in the employment of these companies.".

So, this makes it binding on these companies that they do not dismiss them in a haphazard way according to their sweet will. It is they who have said that they are incompetent.

Mr. Speaker: Order, order. I am afraid that hon. Members are pursuing this, notwithstanding the answer that has been given. If those people have said that they have retrenched these persons on account of economy or something else, then, we can find out why they have done so, and whether it is a retaliatory measure. The reasons that they have given are that these persons were incompetent. If the hon. Member

wants that the hon. Minister should look into the matter, then he is governed by the contract or agreement entered into, under the general powers, if any. If that is so, then, the hon. Minister will look into it; if he can spare a copy for me, I shall also look into it and find out whether it is his jurisdiction or the jurisdiction of the Labour Minister, or whether Government have no control over this, and they can do as they like.

Shri Narayanankutty Menon: That is right. The only point is that the retrenchment orders given to these employees show that they have become surplus because of the economy measures. We are only surprised and sorry that this hon. Minister, after his experience, such a long experience, with the oil companies, should have tried to tell us what is given out by the companies....

Mr. Speaker: Order, order. I would not allow this question. Now, next question.

पंजाब में निर्वाचन व्यवस्था

१७४५. **श्री प्रकाश वीर शास्त्री** : क्या विधि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १९६२ के सामान्य निर्वाचनों के लिए तथाकथित पंजाबी क्षेत्र में मतदान पत्र और निर्वाचक नामावलियां केवल पंजाबी भाषा (गुरुमुखी लिपि) में ही छापी जायेंगी ;

(ख) क्या यह भी सच है कि निर्वाचन सम्बन्धी अन्य साहित्य भी उस क्षेत्र में केवल पंजाबी में ही छापा जायेगा ;

(ग) क्या यह भी सच है कि निर्वाचन आयोग ने इस सम्बन्ध में कुछ निर्णय किया है और कुछ और निर्णय करने वाला है ;

(घ) क्या यह भी सच है कि इस कारण पंजाबी क्षेत्र के बहुत से मतदाताओं को बहुत कठिनाई अनुभव होगी ; और

(ङ) यदि हां, तो सरकार इस सम्बन्ध में क्या निर्णय करना चाहती है ?

विधि उपमंत्री (श्री हजरनवीस) : (क) निर्वाचन आयोग ने हिदायत की है कि (चंडीगढ़ राजधानी क्षेत्र के सिवाय) पंजाबी क्षेत्र के सभी निर्वाचन-क्षेत्रों के लिए निर्वाचक नामावलियां पंजाबी में छापी जायें और चंडीगढ़ राजधानी क्षेत्र के लिए निर्वाचक नामावलियां हिन्दी और पंजाबी दोनों भाषाओं में साथ साथ छापी जायें ।

(ख) से (ङ) निर्वाचन आयोग ने आम हिदायत दी है कि मतपत्र पर दी जाने वाली केफियत निर्वाचन क्षेत्र में या उसके बड़े भाग में प्रचलित प्रादेशिक भाषा में छापी जायें । निर्वाचन क्षेत्र का नाम अंग्रेजी में छापा जायेगा । जहां तक संसदीय और विधान-सभा निर्वाचन क्षेत्रों का सम्बन्ध है, उम्मीदवार के लिये नियत प्रतीक भी मतपत्र पर छापा जायेगा । इसलिए अगर पंजाबी क्षेत्र में मतपत्रों के विवरण केवल पंजाबी में छापे जाते हैं तो उससे किसी भी पढ़े-लिखे वर्ग के मतदाता को किसी प्रकार की कठिनाई का अनुभव नहीं होगा ।

चाहे क्षेत्र में प्रचलित भाषा कोई भी हो फार्म और अन्य निर्वाचन सम्बन्धी पुस्तिकाएं जनता को पंजाबी और हिन्दी दोनों ही भाषाओं में उपलब्ध होंगी, चूंकि ये सभी पुस्तिकाएं और फार्म थोड़े मूल्य पर उपलब्ध होंगी, अतः कोई भी व्यक्ति किसी भी उस क्षेत्र में इन में से उस भाषा वाली प्रति खरीद सकेगा जिस भाषा वाली प्रति को वह खरीदना चाहता है ।

Some hon. Members: In English also.

Shri Hajarnavis: (a) The Election Commission has directed that the electoral rolls for all constituencies comprised in the Punjabi Region except Chandigarh Capital area) should be printed in Punjabi and that the electoral rolls for the Chandigarh Capital area should be printed in diglot, that is, both Hindi and Punjabi.

(b) to (c). The Election Commission has issued a general direction that the particulars on a ballot paper should be printed in the regional language prevailing in the constituency or in a major portion thereof. The name of the constituency is to be printed in English. So far as Parliamentary and Assembly constituencies are concerned, the symbol allotted to a candidate is also to be printed on the ballot paper. No difficulty will therefore, be experienced by any section of the literate voters and I submit that it will also apply to illiterate voters—if the particulars on the ballot paper are printed only in Punjabi in the Punjabi Region.

The forms and other election pamphlets will be available to the public both in Punjabi and in Hindi, irrespective of the prevailing language of the Region. As all these pamphlets and forms will be available at a small price, it will be open to a person to purchase them in the language in which he desires to have them in either Region.

Mr. Speaker: If it were a long reply, the hon. Minister could have laid it on the Table of the House.

श्री प्रकाश वीर शास्त्री : श्रीमन्, क्या मैं यह जान सकता हूं कि जैसे कि माननीय मंत्री ने बतलाया कि चंडीगढ़ के अतिरिक्त तथाकथित पंजाब क्षेत्र में चुनाव सम्बन्धी मतपत्र और दूसरे चुनाव सम्बन्धी प्रकाशन सब पंजाबी भाषा के अन्दर होंगे तो क्या मैं यह भी जान सकता हूं कि उस भाषा की लिपि गुरुमुखी होगी और यदि हां तो क्या आपने यह पता लगाने का प्रयत्न किया है कि उस क्षेत्र में अधिकांश व्यक्तियों की संख्या ऐसी भी है जो कि गुरुमुखी लिपि से सर्वथा अपरिचित हैं और इस कारण क्या उनको अपना मतपत्र आदि देने में असुविधाओं का सामना नहीं करना पड़ेगा ?

श्री आर० एम० हजरनवीस : अब अगर कोई भाषा नहीं जानते और पढ़ नहीं सकते तब तो उनके लिए कोई सवाल ही नहीं है लेकिन मैं समझता हूं कि जब निर्वाचन आयोग ने यह आम हिदायत दी है कि मतपत्र पर दी जाने वाली कैफियत निर्वाचन क्षेत्र में या उसके बड़े भाग में प्रचलित प्रादेशिक भाषा में छापी जायें तो उन्होंने जरूर सब बातों पर गौर कर लिया होगा ।

श्री प्रकाश वीर शास्त्री : मेरा प्रश्न यह था कि तथाकथित पंजाबी क्षेत्र में एक बहुत बड़ी संख्या ऐसे लोगों की है जो कि गुरुमुखी लिपि से अपरिचित हैं और इसलिए निर्वाचन आयोग को अपना निर्णय लेते समय इस बात का ध्यान रखना चाहिए था कि जितने भी व्यक्ति इस प्रकार के हैं जो कि हिन्दी पढ़ सकते हैं उनको हिन्दी में मतपत्र दिये जाये और जो गुरुमुखी पढ़े हुए हैं उनको गुरुमुखी में मतपत्र दिये जाय, दोनों प्रकार की सुविधाएं देनी चाहिए थीं । निर्वाचन आयोग ने क्या इस प्रकार का निर्णय लेने से पूर्व इस सम्बन्ध में कोई जानकारी ले ली थी कि उनको इन असुविधाओं का सामना करना नहीं पड़ेगा ?

श्री आर० एम० हजरनवीस : मैं समझता हूं कि निर्वाचन आयोग ने ऐसी आम हिदायत देने से पूर्व सब चीजों पर सोच विचार कर लिया होगा ।

Mr. Speaker: What was the reply of the hon. Minister? We could not hear it.

Shri Hajarnavis: I was saying that before the Election Commission issued that direction, they must have considered all these matters.

Shri Tyagi: In the matter of election procedure, they are not the final authority. I thought that they ought to have consulted the Law Ministry, particularly when they are designing the ballot paper in only one language. The ballot paper is not to be dropped in the box on the basis of symbols now. A cross-mark has to be made and then it has to be put in the box.

Therefore, every voter must know the name against which he is making that cross-mark.

Shri Hajarnavis: Where the population speaks more than one language, choice of language has got to be made. It may be that in an area more than two languages may be spoken. It is not possible to provide ballot paper in every language spoken by every voter in the place.

Some Hon. Members *rose*—

Shri Tyagi: How are they doing it in Chandigarh?

श्री रघुनाथ सिंह: चंडीगढ़ में दो लैंग्वेजिज़ होंगी, वहां पर क्या होगा ?

Mr. Speaker: Order, order.

Shri Hajarnavis: May I make the answer clear? First of all, so far as the literature is concerned, it is printed in both languages.

Shri Tyagi: That is immaterial. Literature is not so material as the ballot paper.

Shri A. C. Guha: And the voters' list.

Mr. Speaker: What is the difficulty? It is not so much the enforcement of any particular language or *lipi* as to enable every citizen who is entitled to vote being given facilities to vote, unless the facilities demanded are to vote being given facilities to vote, in Punjab demands that the ballot paper should be in Telugu, certainly it may be rejected. But a large number of people speak a particular language, not two languges. A controversy has been going on. It cannot be settled by not printing this or that. This has to be decided in such a way that no person is denied the privilege of voting. The hon. Minister will consider this.

Shri Hajarnavis: I will convey the views to the Election Commission.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): May I say that what you have been pleased to suggest is so eminently reasonable that I do not see that it requires much consideration? It requires adoption.

National Universities

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*1746. **Shri Braj Raj Singh:**
Shri Harish Chandra Mathur:
Shri Radha Mohan Singh:
Shrimati Maimoona Sultan:

Will the Minister of **Education** be pleased to state:

(a) whether there is a proposal to set up four national Universities in the country within the next ten years;

(b) whether out of these four national Universities one at New Delhi is being set up during the Third Five Year Plan;

(c) what are the details about the scheme as to money to be spent, sources of finances, course of study, number of students to be admitted, medium of instruction, site for University building and campus etc;

(d) whether in view of this proposal the scheme for a second University in Delhi has been shelved for the present;

(e) whether the scheme has been examined in all its details by the University Grants Commission; and

(f) the approximate time by which the work on the proposed national University in New Delhi will begin?

The Minister of Education (Dr. K. L. Shrimali): (a) No, Sir.

(b) to (f) Does not arise.

श्री ब्रजराज सिंह : क्या सरकार का ध्यान दिल्ली के समाचारपत्रों में प्रकाशित इस तरह के समाचार की ओर दिलाया गया है जिस में कहा गया था कि दिल्ली में अगले पांच साल के अन्दर तीसरी पंच वर्षीय योजना के अन्दर इस तरह के विश्वविद्यालय को स्थापित करने की योजना है ?

डा० का० ला० श्रीमाली: जी हां, अखबारों में यह समाचार प्रकाशित हुआ था और कुछ बातचीत फोर्ड फाउंडेशन से इस सम्बन्ध में हुई थी। फोर्ड फाउंडेशन ने पहले एक यह प्रस्ताव रखा था कि जो दिल्ली यूनिवर्स्टी है उसका विकास किया जाए, कुछ वह मदद देना चाहता है, उसके लिए। बात में उनका यह ख्याल था कि एक अलग विश्वविद्यालय स्थापित किया जाए। लेकिन गवर्नमेंट ने दूसरे प्रस्ताव को स्वीकार नहीं किया। अगर दिल्ली यूनिवर्स्टी के लिए फोर्ड फाउंडेशन सहायता दे तो उसको स्वीकार कर लिया जाए, ऐसा इरादा है। लेकिन अलग विश्वविद्यालय फोर्ड फाउंडेशन की सहायता से स्थापित करने का कोई विचार नहीं है।

श्री ब्रजराज सिंह: इससे पूर्व यह भी प्रस्ताव था कि दिल्ली में एक दूसरे विश्वविद्यालय की, नई दिल्ली क्षेत्र में स्थापना की जाए। इस बात को देखते हुए कि दिल्ली में विद्यार्थियों की संख्या लगातार बढ़ती जा रही है और विद्यार्थियों को दिल्ली विश्वविद्यालय से सम्बन्धित कालेजों में प्रवेश नहीं मिलता है, क्या सरकार इस बात पर विचार कर रही है कि या तो कोई दूसरा विश्वविद्यालय नई दिल्ली क्षेत्र में स्थापित हो या अन्य कालेज स्थापित हों ताकि दिल्ली में निकलने वाले उन सभी विद्यार्थियों को जिन्हें प्रवेश की आवश्यकता है, प्रवेश मिल सके?

डा० का० ला० श्रीमाली: यह सच है कि प्रस्ताव सरकार के सामने है और यूनिवर्स्टी ग्रांटस कमिशन के सामने रहा है और उस पर विचार भी किया गया है और मैं समझता हूं कि एक दूसरे विश्वविद्यालय की दिल्ली में आवश्यकता है क्योंकि जो लड़कों की तादाद है वह निरंतर बढ़ती जा रही है। अनुमान है कि २१,००० से वह संख्या अगले चार पांच सालों में बढ़ कर ३०,००० हो जाएगी। इसमें सन्देह नहीं कि एक दूसरे विश्वविद्यालय की आवश्यकता है। लेकिन जो धनराशि इस समय रखी गई है मिनिस्ट्री आफ एजुकेशन के लिए वह इतनी कम है कि यूनिवर्स्टी ग्रांट्स कमिशन नहीं समझता है कि वह आसानी से एक नया विश्वविद्यालय तृतीय पंच वर्षीय योजना में स्थापित कर सकेगा। लेकिन फिर भी मैं आपसे निवेदन करना चाहता हूं कि कोशिश हमारी यह होगी कि अगर कुछ धनराशि हमको मिल सके तो यह नई यूनिवर्स्टी स्थापित कर दी जाए।

Shri Braj Raj Singh *rose*—

Mr. Speaker: I think we have been treated to a discourse on this subject, not a question and answer. Next question.

Shri Braj Raj Singh: The only point is this. I am not interested, nor are the people of Delhi interested in a second University. We are only interested in seeing that all students who seek admission for education are provided education. We must be assured about that.

Dr. K. L. Shrimali: The hon. Member is aware that Government are taking various measures to provide facilities for higher education to as many students as possible. Now, our resources are limited. At the same time, we have now made provision for four evening colleges and we are also making arrangements for correspondence courses. So Government will make every possible effort to provide facilities. But we must not forget that there is a limitation of funds. We do not have unlimited resources. That aspect has to be constantly borne in mind by hon. Member.

Steel Plant in Madras

*1747. { − **Shri Ram Krishan Gupta:** / + **Shri Raghunath Singh:** / **Shri Osman Ali Khan:** / **Shri Prakash Vir Shastri:** / **Shrimati Krishna Mehta:** / **Shri P. C. Borooah:** / **Shri Subbiah Ambalam:** / **Sardar Iqbal Singh:** / **Shri Koratkar:** / **Shri D. C. Sharma:**

Will the Minister of **Steel, Mines and Fuel** be pleased to refer to the

reply given to Starred Question No. 555 on the 29th November, 1960 and state:

(a) the progress made so far by the Committee comprising officials of the Ministry of steel, Mines and Fuel and the Madras State in investigating and reporting the feasibility of setting up a steel plant in Madras; and

(b) by what time they will submit their report?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b): As was stated by me in answer to the question of the 29th November 1960, the Committee can report only after the detailed investigations recommended by it have been carried out and large scale commercial tests undertaken with representative quantities of lignite, iron ore and limentone. Latest reports show that lignite will be available in quantity only by about September 1961. Large scale commercial tests will be undertaken thereafter.

Shri Ram Krishan Gupta: What steps are being taken to assess the iron ore potentialities in this area??

Sardar Swaran Singh: Iron ore is available in the Salem area, and work has already been done to locate the depsits both qualitatively as well as quantitatively.

Shri Tangamani: More than 8 months have passed since this top level committee was set up. Am I to take it that this committee has not submitted any report? Is it a fact that this committee has recommended that the lignite should be sent to East Germany or any other country for testing? If so, has the requisite quantity of lignite been sent for testing?

Sardar Swaran Singh: That is precisely the reply that I have given. The committee did meet. It made a recommendation that lignite in requisite quantities cannot be mined till September 1961.

Shri Ramanathan Chettiar: May I know what is the capacity of the proposed steel plant in Madras?

Sardar Swaran Singh: It is too early for me to indicate that at the present stage.

Shri Basappa: Certain raw materials for the steel plant are also to be found in Mysore. May I know whether the Mysore State will be consulted in the matter of starting a steel plant in the South?

Sardar Swaran Singh: There is already a steel plant in Mysore State.

Shri D. C. Sharma: May I know if the Ministry is thinking of setting up this steel plant in the Fourth or the Third Five Year Plan period? If it is in the Third Five Year Plan period, why are all these investigations being delayed so much?

Sardar Swaran Singh: No investigation is being delayed. I have said that tests on a commercial scale have to be undertaken, which means that certain minimum quantities of lignite have to be mined and subjected to those tests. These quantities cannot be mined till September 1961 for a variety of reasons, the most prominent one amongst them being the difficult mining conditions at Neyveli. On account of the upward thrust of water, the process of mining has to be gradual.

Shri Thirumala Rao: In view of the recent statement attributed to the hon. Minister that he would consider the possibility of having a steel plant in Andhra because iron ore, coal and other materials required for the steel plant are available in Andhra, may I know whether it is contemplated to appoint a committee to go into this matter?

Sardar Swaran Singh: I think the matter is already being discussed between the representatives of the Andhra Pradesh Government and the Central Government. I am not quite certain. I think there is a committee also.

Shri D. C. Shrama: The hon. Minister has not given a reply to my question whether it would be in the Third Five Year Plan or in the Fourth Five Year Plan.

Sardar Swaran Singh: I have already stated that the final decision can be taken only after commercial tests are undertaken. Commercial tests will be undertaken after the lignite is available; that is after September. Depending on the results of that, the final decision can be taken. So, it is premature for me to say whether there will be a steel plant or not; much less to say whether it will be in the Third Plan or in the Fourth Plan.

Shri C. R. Pattabhi Raman: Will the railway line from Neyveli to Salem—and other transport routes also—be taken along with this or will they have to wait for investigation?

Sardar Swaran Singh: It is a suggestion for action, Sir.

श्रीमती कृष्णा मेहता : क्या जम्मू कश्मीर रियासत में भी कोई इस्पात कारखाना खोलने का विचार है क्योंकि जम्मू के इलाके में पाला कोट में कोयला वगैरह बहुत पाया जाता है ?

सरदार स्वर्ण सिंह : अगर कच्चा माल वहां ज्यादा होगा तो उस पर भी विचार किया जा सकता है ।

Shri Narasimhan: For the purposes of test only a comparatively small quantity of lignite is needed. Why should so many months be neded for getting out this small quantity of lignite?

Mr. Speaker: We are going into details.

Shri Narasimhan: Sir, the reason given was that it was pending for the collection of the necessary quantity of lignite. But, I want to know why there should be such a difficulty for getting a small quantity of lignite. Upward thrust of water need not stand in the way of getting a small quantity?

Sardar Swaran Singh: The quantity needed is not small. Secondly, even for mining a small quantity the upward thrust of water cannot be ignored.

Mr. Speaker: The other day the same question were put and the answer was that some ten thousand tons have to be exported.

Shri Tangamani: One thousand tons.

Mr. Speaker: It was said that 1,000 tons were necessary. The hon. Minister said that he wanted to find out whether it can be done on a commercial basis. Hon. Members are present on some days and not present on other days. So, they put the same questions again and again.

Coal and Steel for Punjab

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*1748. **Shri Ram Shankar Lal:**
Shri Ajit Singh Sarhadi:
Shri Daljit Singh:
Shri Shri D. C. Sharma:
Shri Hem Raj:
Shri Pangarkar:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether the Punjab State Government have requested that the quota of coal and steel for the small scale industries be increased for 1961;

(b) if so, the quantity of coal and steel demanded;

(c) the decision taken by the Government of India; and

(d) whether the Government of India contemplates increase because of lack of heavy industries in Punjab?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh) (a) to (d). The Punjab Government have not actually asked for an increased quota of steel and coal for the small

scale industries for 1961, but they have pressed for larger supplies against the existing allocations, as actual supplies have not been to the full extent of the quotas. Steps have been aken to increase the supplies of steel by giving priority to one third of the allocations made to small scale industries and by arranging more supplies from imports; in respect of coal movement will be effected in block rakes and this is expected to improve supplies. It is proposed to meet the requirements of hard coke for foundries and engineering concerns in the Punjab to the full extent of their quota.

Shri D. C. Sharma: Has the hon. Minister read the speech of the hon. Chief Minister of Punjab State in Delhi in which he has complained that the industries in Punjab are not functioning properly because of the shortage of coal and steel? If it is so, may I know how much of additional coal and steel has been asked for by the Punjab Government and how much has been supplied?

Sardar Swaran Singh: I have covered all these in my reply. The quotas are already there. Movement of supplies has not been in accordance with those quotas. Steps are now being taken to step up the supply against allocations.

Shri D. C. Sharma: The hon. Minister has given a very involved reply and I want a clarification of it. May I know how much of coal quota has been allotted, how much of that quota has been moved so far; how much of steel quota has been allotted and how much of that quota has been moved so far? What are the arrangements made for the movement of the quotas? I want a clarification.

Sardar Swaran Singh: An involved question can be answered only by an involved reply. The best thing would be for the hon. Member to put a separate question. About the quota I have no information at the moment.

Shri Ram Krishan Gupta: May I know whether the number of iron and steel stockists is sufficient to meet the demand for this purpose?

Sardar Swaran Singh: I do not think the shortage of the number of stockists has been a matter about which any complaint has been received.

श्री प्रकाश वीर शास्त्री : क्या मैं जान सकता हूं कि जब सरकार की नीति छोटे उद्योगों को प्रोत्साहन देने की है, और पंजाब में छोटे उद्योगों की बहुतायत है, तो इस बात को ध्यान में रखते हुए जो कोयला और इस्पात आप ने उन को दिया है वह क्या बहुत थोड़ा नहीं है? और इस को भविष्य में बढ़ाने के लिये आप ने क्या निश्चय किया है?

सरदार स्वर्ण सिंह : यही तो मैं ने अपने जवाब में कहा है कि उस के बढ़ाने का यत्न किया जा रहा है।

श्री प्रकाश वीर शास्त्री : मैं जानना चाहता हूं कि इन फैक्ट्रियों में जो छोटे उद्योग चल रहे हैं उन को देखते हुए आप ने कितने प्रतिशत बढ़ाने का निश्चय किया है?

सरदार स्वर्ण सिंह : बढ़ाने का सवाल नहीं है क्योंकि शिकायत कोटा कम होने के मुताल्लिक नहीं है। जितना कोटा उन को दिया गया था उस कदर माल उन को नहीं पहुंच पाया है, यह शिकायत है, और उस के मुताल्लिक मैं ने अपने जवाब में जो जो लेटेस्ट पोजीशन है उस का जिक्र किया है।

श्री अजराज सिंह : जुलाई के बाद जो कोयले के २०० वैगन प्रति दिन के हिसाब से मोगलसराय के उत्तरी हिस्से में अधिक आयेंगे उन में से कितने सरकार पंजाब के लिये देने को तैयार है, और क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि कौन से आधार हैं जिन के अनुसार विभिन्न स्थानों में, विभिन्न राज्यों में

स्टील और कोयले के कोटे निश्चित किये जाते हैं, या सिर्फ प्रान्तीय सरकारों की सिफारिश पर ही विचार किया जाता है ?

सरदार स्वर्ण सिंह : जो २०० कोयले के डब्बे जुलाई के बाद मोगलसराय से ऊपर जाने वाले हैं उन के मुताल्लिक अभी निश्चय नहीं किया गया कि उत्तर प्रदेश, पंजाब, दिल्ली, राजस्थान, गुजरात या शुमाली हिस्से, में महाराष्ट्र वगैरह किस हिस्से में कितना कोयला और जायेगा । जो दूसरा सवाल माननीय मेम्बर ने पूछा है उस के मुताल्लिक प्रान्तीय सरकारों की सिफारिश भी ली जाती हैं और जो सेंट्रल गवर्नमेंट की इंडस्ट्रीज हैं उन के मुताल्लिक सेंटर की इंडस्ट्रीज मिनिस्ट्री की सिफारिशात का भी ख्याल रक्खा जाता है ।

जिला सैनिक, नौसनिक और वायु बोर्ड

*१७४९. **श्री भक्त दर्शन** : क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि देश भर में जो जिला सैनिक, नौसैनिक व वायु बोर्ड कई वर्षों से अस्थायी रूप से कार्य करते आ रहे हैं, उनके स्थायीकरण के प्रश्न पर कुछ समय से विचार किया जा रहा है ;

(ख) यदि हां, तो उसके बारे में क्या निश्चय किया गया है ; और

(ग) वह निश्चय कब से लागू किया जायेगा ?

प्रतिरक्षा उपमंत्री (सरदार मजीठिया) : (क) जी हां ।

(ख) तथा (ग) : मामला अभी सरकार के विचाराधीन है ।

श्री भक्त दर्शन : श्रीमन । मामला बहुत दिनों से विचाराधीन रहा है और पिछले साल इस बारे में जो बड़ी भारी कांफरेंस की गई थी उस में भी इस सम्बन्ध में एक प्रस्ताव स्वीकार किया गया था । तो इस बारे में इतनी देरी होने का क्या कारण है ?

सरदार मजीठिया : चूंकि इन बोर्डों को चलाने के लिये ५० फी सदी रुपया सेंट्रल गवर्नमेंट खर्च करती है और ५० फी सदी स्टेट गवर्नमेंट खर्च करती है इसलिये इस मामले को तय करने में जितनी देरी स्टेट गवर्नमेंट हमारे साथ सहमत नहीं होती उतनी देर तक इस का फैसला नहीं किया जा सकता ।

श्री भक्त दर्शन : श्रीमन । क्या गवर्नमेंट को इस तरह की शिकायतें मिली हैं कि प्रायः दो वर्षों से कई कई महीनों तक इन कर्मचारियों को वेतन भी नहीं मिलता, और इस गड़बड़ी का कारण यह है कि उन को अभी तक परमानेन्ट नहीं किया गया है ? तो क्या गवर्नमेंट इस बारे में शीघ्रता करेगी और उन के वेतन की अदायगी नियमित रूप से की जायेगी ?

सरदार मजीठिया : जी हां, हम पूरी कोशिश कर रहे हैं कि स्टेट गवर्नमेंट हमारे साथ सहमत हो जायें ताकि हम इस मामले में आगे बढ़ सकें ।

श्री भक्त दर्शन : श्रीमन । राज्य सरकारों से अब तक जो पत्र व्यवहार किया गया है उस के फलस्वरूप क्या राज्य सरकारों ने कोई राय दी है ? जहां तक मुझे मालूम है वे इस से सहमत हैं ।

सरदार मजीठिया : कोई आधी सरकारों ने राय दी हैं । वे आधी सरकारें सहमत हैं । लेकिन दूसरी आधी सरकारों के जवाब नहीं आये हैं । हम उन का इन्तजार कर रहे हैं ।

Gas Turbine Engine

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*1750. **Shri D. C. Sharma:**
Shrimati Maimoona Sultan:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that India has completed his first gas turbine engine at the IAF Maintenance Command Headquarters, Chakeri;

(b) if so, the details of the engine; and

(c) the manufacture programme of the engine?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes, Sir.

(b) It is a pure jet engine with a single stage contrifugal compressor and a single phase axial flow turbine. It works on Cannular Combustion System and is desgined to develop 2200 lbs. thrust.

(c) It is a research and developmental project. The question of manufacture of this engine can come only after the development is completed and proved according to recognised World standards carried out by the Indian Air Force and the Defence Science Research Organisation with the assistance of the CSIR and on their joint behalfs.

Shri D. C. Sharma: How long will it take for the Ministry to arrive at the final stage of development of this turbine engine?

Sardar Majithia: The engine had its first run on the 8th of April quite recently. It is to do quite a number of hours under various conditions, various streesses and various temperatures before it can be said to be developed.

Shri D. C. Sharma: The hon. Minister referred to certain organisations which will have to be consulted before the engine arrives at a stage of finalisation. How do all these organisations come into the picture? What is the special function of these organisations so far as the development of this engine is concerned?

Sardar Majithia: As I said, it is a joint venture by all these organisations. The Defence Science Research Organisation and the Indian Air Force come into it and the CSIR also comes in and the working of this engine is very carefully checked. The data is collected and tabulated. In the face of these, if certain modifications are needed they have to be done and only after that, it will be finalised.

Shrimati Maimoona Sultan: May I know if there are any other countries where an engine of this type has been designed and manufactured and if so, what are the names of these countries?

Sardar Majithia: It is a jet engine and all the countries which are in the aircraft industry are manufacturing jet engines.

WRITTEN ANSWERS TO QUESTIONS

Iron Ore for Steel Plants

*1733. **Shri Vidya Charan Shukla:** Will the Minister of **Steel, Mines and Fuel** be pleased to refer to the reply given to Starred Question No. 110 on the 16th November, 1960 and state:

(a) what are the salient features of Government's long-term policy with regard to procurement of iron ore for the steel plants in the public sector; and

(b) what precautions are proposed to be taken to see that iron ore of lower grade which is produced alongside, is not wasted?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The steel plants in Rourkela and Bhilai will, even after expansion, draw their requirements of ore from the captive mines in Barasua and

Rajhara. The plant in Durgapur will draw, after expansion, about 2 million tons of ore from Bolani and another about 1.5 million tons from either the market mines of the Gua region or from a new mine to be developed in that region. A decision on this will depend on the results of detailed prospecting into the reserves in selected areas of the Gua region. The steel plant in Bokaro is planned to be supplied from a new mine to be developed in the Sasangda area of the Bonai range. Generally it is the intention that integrated steel works should have their captive sources of supply of iron ore to ensure an even flow of uniform quality of ore.

(b) The Hon'ble Member has presumably in mind fines which arise in the production of iron ore by mechanical means. It is proposed to sinter the fines and use them with the large sized ore in the blast furnaces of the steel plants.

Substitute of Coal for Steel Industry

*1734. **Shri Ajit Singh Sarhadi:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether long range policy is being drawn up to meet the imbalance between country's potential of Iron Ore and reserve of coking coal; and

(b) whether research is being carried out to find a substitute of coal particularly for the steel industry?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). The present known reserves of coking coal could be able to sustain the present steel industry and the industry as it would have grown in the next few years, for 50 years or more. Our search for coking coal deposits may lead to fresh discoveries. Lack of an arithmetical balance between reserves of iron ore and the reserves of coking coal need not deter the growth of the steel industry There are countries which have a large and growing steel industry based on the import of one or more of the principal raw materials. As the economy of the country develops it would enable the import, if it becomes inevitable, of any raw material. This may not however, be necessary if technological developments which are taking place lead to the economic production of iron and steel on a large scale without the use of coking coal.

As hon'ble Members know some small units have been licensed to be put up in India based on the electric furnace process for the manufacture of steel. Pig iron plants have also been allowed to be put up using non-coking coals. The results of these will be watched.

Foreign Films

*1735. **Shri H. N. Mukerjee:** Will the Minister of **Finance** be pleased to state:

(a) whether Government have taken any steps regarding relaxation of customs duty in the case of importing foreign films brought into the country for private showing by film societies and on the occasion of special film festivals; and

(b) if so, what are these steps?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). As regards importation of films by the Film Societies, the Government have agreed to grant exemption from duty on a maximum of 12 foreign films (one print only of each) annually subject to the following conditions:—

(i) the films are shown only to the members of the Societies, without charging any fees, and only one show is held at each place;

(ii) the films are re-exported within a period of six months from the date of import; and

(iii) only such of the foreign films, as are not released through

ordinary commercial channels for exhibition in the country, are imported.

As regards films imported for exhibition in Film Festivals, the position is that such Festivals are organised either by private bodies or by Foreign Missions in India exclusively or in collaboration with private cultural bodies or by the Government. While no duty concession is granted when the films are imported for Festivals organised by private bodies, the cases of Festivals organised by Foreign Missions either exclusively or in collaboration with private cultural bodies are considered on an *ad hoc* basis. Films imported and selected for use in Festivals organised by the Government are, however, exempted from duty, if the sale proceeds of the shows are to be credited to the Government. This concession is also subject to the condition that the films are re-exported immediately after the Festival is over. Where the sale proceeds are not to be credited to the Government, drawback of duty will be allowed on re-export, on a graded scale, based upon the number of shows held, although ordinarily no drawback is allowed on films which have once been exhibited. The following scale has been laid down:—

No. of shows held	Scale of drawback of duty allowed.
12 or less	7/8th of the duty.
13 to 36	3/4th of the duty.
Over 36	Nil.

Where films imported for Festivals organised by the Government are not selected for exhibition, they are also exempted from duty, if they are re-exported straight-away.

Commonwealth Maritime Exercises in the Far East

*1736. **Shri Kalika Singh:** Will the Minister of **Defence** be pleased to state:

(a) the name and designation of the Military officer who conducted the annual Commonwealth Maritime Exercises in the Far East in February and March, 1961;

(b) the part played by the Indian Navy in the exercises;

(c) the particulars of the Indian ships and aircrafts which participated in the exercises;

(d) the part played by Royal Air Force, Royal Australian Air Force and Royal Ceylon Air Force in the exercises;

(e) a brief description of warlike operations on surface; under water and in air by different countries; and

(f) usefulness of the exercises?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) to (f). The required information is given in the statement as under:

STATEMENT

The first phase of the Eexercises at Cochin was conducted by the Flag Officer Commanding, Indian Fleet, (Rear-Admiral B S. Soman) and the remainder of the Exercises were conducted under the overall control of the Commander-in-Chief, Far East Station, Admiral Sir David Luce. During these exercises Naval Commanders of each Nation were given an opportunity to exercise tactical control of surface forces in rotation.

2. The Indian Navy Ships MYSORE, BAHMAPUTRA, KUTHAH, KIRPAN, KHUKRI, TALWAR, TRISHUL, GODAVARI, CAUVERY, KONKAN, DHARINI and SHAKTI took part in these Exercises. However, no aircraft of the Indian Navy or the Indian Air Force participated in these Exercises.

The Indian frigates and the Destroyers acted in the Anti-Submarine and Anti-aircraft roles while the Cruiser provided heavy gun support.

3. Long range maritime aircraft of the Royal Air Force and the Royal Australian Air Force were deployed in Ceylon and Malaya to provide Anti-submarine patrols and reconnaissance. The 'Canberra' Bombers of the Far East Air Force also carried out air attacks on the Fleet. Aircraft of the Royal Ceylon Air Force carried out

strikes against vessels which came within range.

4. The Exercises were designed as a War Game in which all ships and Aircraft were to be on a war footing. Incidents were introduced where defence against air, submarine and surface attacks was practised. The force also carried out attacks against supposedly enemy held positions. Replenishment of fuel, victuals and stores at sea from tankers and storeships were also frequently exercised.

5. These exercises gave the Indian Fleet opportunity for the Flag Officer Commanding, the Indian Fleet and his staff and the Indian Navy—

(a) to exercise command over a much larger number and categories of ships at sea than are normally available to him or can be made available;

(b) in the deployment of ships in defence against submarine and carrier borne aircraft; and

(c) to keep abreast of thinking on tactics as practised in the other Commonwealth Navies.

Payment to Palai Bank Depositors

*1744. **Shri T. B. Vittal Rao:** Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 1500 on the 13th April, 1961 and state:

(a) the number of depositors of Palai Central Bank who have received initial preferential payment;

(b) the total amount disbursed; and

(c) whether the investigation of the affairs of the Bank in relation to the conduct of the directors has since been completed?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). Upto the 19th April, 1961, cheques for Rs. 6,88,562 have been issued to 4343 depositors by way of initial preferential payments.

(c) No, Sir.

Indian Oil Company Delegation to U.A.R.

*1751. **Shrimati Maimoona Sultan:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether an Indian Oil Company delegation is proposed to be sent to the United Arab Republic to study the Egyptian co-operative marketing and distribution techniques; and

(b) if so, when?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). Such a proposal has been under consideration of the Indian Oil Company. Co-operative methods are being extensively followed in the United Arab Republic in the marketing and distribution of petroleum products. A representative of that organisation had been to India in November last to discuss matters of mutual interest with the Indian Oil Company. The Company have plans to send a small team of their officers to the United Arab Republic as soon as convenient.

Employees of Canteen Stores Department

*1752. **Shri Ram Krishan Gupta:**
Shri Rameshwar Tantia:

Will the Minister of **Defence** be pleased to state:

(a) whether Canteen Stores Department (India) Employees are Central Government Employees;

(b) if not, what is their status;

(c) whether it is a fact that Central Government Servant Conduct Rules have been made applicable to them; and

(d) if so, the reasons therefor?

The Minister of Defence (Shri Krishna Menon): (a) No, Sir.

(b) They are employees of a Central Government undertaking but their status has not yet been determined.

(c) No, Sir.

(d) Does not arise.

Iron Ore in Mohindergarh District

*1753. **Shri Ajit Singh Sarhadi:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) what is the total production of iron ore in the Mohindergarh District, Punjab;

(b) whether there is any proposal under consideration to utilise the raw material at the spot; and

(c) if so, the nature of the scheme?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) 13,065 tons in the calendar year 1960.

(b) and (c). The State Government is considering a proposal of utilisation of the iron ore in a Low Shaft Furnace to be set up in District Mohindergarh. The suitability of the ore is being examined at the National Metallurgical Laboratory and if it is established, the State Government propose to draw up a scheme.

Jama Masjid, Delhi

3861. Shri D. C. Sharma: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the amount spent for the maintenance of Jama Masjid, Delhi during 1960-61; and

(b) the amount proposed to be spent for the maintenance of Jama Masjid, Delhi during 1961-62?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Rs. 18,087·04.

(b) Rs. 32,000.

Grant to Bombay University

3862. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state the amount given as grant to the Bombay University by the University Grants Commission during 1960-61?

The Minister of Education (Dr. K. L. Shrimali): Rs. 13,66,549·81 nP.

Aid to Cultural Organizations in Madhya Pradesh

3863. Shri Pangarkar: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the names of organisations which were given grants for promotion of cultural activities in Madhya Pradesh during 1960-61; and

(b) the amount sanctioned to each of them during the above period?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b).

Name of Organisation	Amount
	Rs.
1. Kalidas Samaroha Samiti	7,500
2. Manikya Samarak Bachanalaya	3,000
3. Saugar University, Saugar	10,000
4. Indira Kala Sangeetha Vishvavidyalaya Khairagarh	5,000
5. Tribal Culture Museum, Jagdalpur	1,000
6. Local Tribal Schools, Jagdalpur	500

Technical Education in Punjab

3864. { **Shri Ram Krishan Gupta:** / **Shri D. C. Sharma:**

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state the amount given as grant-in-aid during 1960-61 to institutes in Punjab for development of technical education (institute-wise)?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): The required information is given below:

Name of Institutes	Grants sanctioned
	Rs.
(A) *Grants to non-government institutions*	
1. Guru Nanak Engineering College, Ludhiana	3,96,465
2. Mehr Chand Polytechnic, Jullundur	2,66,567

1	2	3
3.	Thapar Institute of Engineering and Technology, Patiala	5,20,000
4.	Ramgarhia Polytechnic, Phagwara	1,00,000
5.	National Institute of Engineering, Hoshiarpur	5,000
	TOTAL.	12,88,032

(B) *Assistnace to State Government for its institutions.*

1.	Punjab Engineering College, Chandigarh	12,11,000
2.	Government Polytechnic, Ambala	
3.	Punjab Polytechnic, Nilokheri	
4.	Central Polytechnic, Chandigarh	
5.	Batala Polytechnic	
6.	Sirsa Polytechnic	
7.	Guru Tegh Bahadur-garh Polytechnic	
8.	Jhajjar Polytechnic	
9.	Government Tanning Institute, Jullundur	
10.	Junior Technical School, Kangra	
11.	Junior Technical School Kapurthala	
12.	Junior Technical School. Gurgaon	

(C) *Grants given by University Grants Commission for University Departments*

		Rs. nP.
1.	Department of Pharmacy, Panjab University	20,183·60
2.	Department of Chemical Technology, Panjab, University	1,43,665·48
	TOTAL.	1,63,849·08

S.C. Agriculturists in Punjab

3865. Shri Daljit Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) the actual amount spent on Scheduled Castes agriculturists in Punjab during 1960-61; and

(b) the number of agriculturists benefited thereby?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Rs. 6·28 lakhs (upto January, 1961).

(b) 314.

Indian Naval Canteen Service, Bombay

3866. Shri T. B. Vittal Rao: Will the Minister of **Defence** be pleased to state:

(a) whether Government have received any petition from the employees of the Indian Naval Canteen Service, Bombay;

(b) if so, what are their grievances:

(c) whether any decision has been taken; and

(d) if so, the details thereof?

The Minister of Defence (Shri Krishna Menon): (a) No representation has been received by the Government from the employees of the Indian Naval Canteen Service, Bombay.

(b) to (d). Do not arise.

Self-Help Housing Scheme in Orissa

3867. Shri B. C. Mullick: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the State Government, of Orissa provided money under 'Self-help Housing Scheme' for the construction of houses of the people of the flood affected area during the year 1960-61;

(b) if so, what is the nature of the scheme;

(c) how many villages of the districts of Cuttack, Puri and Balasore have availed of the benefits of the scheme; and

(d) whether any amount of money has been allotted for the current financial year?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) The State Government of Orissa did not provide exclusively under Aided—Self-help Housing Scheme for the construction of houses of the people

of the flood-affected areas. Funds were made available under Agriculturists Loans Act for giving advances to people for construction of such houses.

(b) The essential feature of the scheme is its emphasis and reliance on self-help of people in construction of houses. The people joining scheme are helped to raise resources which will be supplemented by Government assistance of Rs. 750 as grant in case of landless and grant of Rs. 450 and loan of Rs. 300 in case of the people having lands upto 3 acres and Rs. 600 as interest free loan and Rs. 150 as grant in respect of people having lands above 3 acres.

(c) Fourteen villages in Cuttack have been selected for the implementation of the aided self-help scheme.

(d) Not yet.

Indian Institute of Technology, Kharagpur

3868. Shri B. C. Mullick: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state the percentage of candidates selected from different States for admission into the Indian Institute of Technology at Kharagpur for 1959-60 and 1960-61?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): The required information is given in the Statement laid on the Table of the House. [*See* Appendix VI, annexure 12].

Grants to Cantonment Boards in Punjab

3869. Shri D. C. Sharma: Will the Minister of **Defence** be pleased to state:

(a) the names of the development schemes and the amount sought for by the Cantt. Boards in the Punjab during 1960-61 for their completion;

(b) the amounts of grants finally agreed upon for each development scheme of each of these Cantonment Boards;

(c) the progress made so far in the completion of these development works; and

(d) the amount of financial assistance proposed to be given to the above-mentioned Cantonment Boards during 1961-62?

The Minister of Defence (Shri Krishna Menon): (a) and (b). Statements 'A' and 'B' giving the requisite information are laid on the Table of the House. [*Placed in Library. See* No. LT-2899/61].

(c) The development works in Subathu Cantonment have already been completed, and the works in the other Cantonments are nearing completion.

(d) An allotment of about Rs. 45 lakhs is available for distribution to all the Cantonments in India during 1961-62 but the allocation to individual Cantonments has not yet been made.

Indian Students in USSR

3870. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state:

(a) how many students have gone to USSR for study abroad during 1957-58, 1958-59, 1959-60 and 1960-61;

(b) how many are getting scholarships and stipends, Indian and foreign;

(c) how many have secured apprenticeships and lectureships;

(d) how many have gone on their own initiative and how many through the Indian Government;

(e) how many have been processed through the Government; and

(f) whether any criteria has been laid down by Government to be followed in processing such students?

The Minister of Education (Dr. K. L. Shrimali): (a) to (f). Information is being collected and will be placed on the Table of the House as soon as it is available.

Cyclists in Delhi

3871. **Shri D. C. Sharma:** Will the Minister of **Home Affairs** be pleased to state:

(a) the number of cyclists prosecuted and fined during the months of November, 1960 to March, 1961 in the Union Territory of Delhi under various traffic offences;

(b) the number of cyclists injured and killed during the same period in various traffic accidents; and

(c) what are the steps Government have taken to check the accidents?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a)

Number of cyclists prosecuted during the months of November '60 to March, 61.	Number of cyclists convicted and fined during the months of November 1960 to March 1961.	
	Convicted and fined	Amount of fine recovered
13,222	348	Rs. 1,190

(b) (i) Number of cyclists injured during November 1960 to March, 1961 . 214

(ii) Number of cyclists Killed during November, 1960 to March, 1961 . . 17

(c) The following measures have been adopted to prevent accidents:—

(1) Five major roads (viz., Faiz Road, Sikandra Road, Old Rohtak Road, The Mall Road near Timarpur bend and Ring Road) have been widened.

(2) Four more electric signalling devices have been installed at the junctions of Raj Path and Old Mill Road, Chelmsford Circus, Lady Harding Circus, and Junction of Curzon Road and Hexagon Road.

(3) Six more cinemas have been given traffic-safety-slogan slides for display at all shows.

(4) Taking a turn to the left, when the STOP SINGAL is given at a crossing, has been prohibited.

(5) One-way traffic has been introduced on service-roads in Connaught Place area.

(6) The New Delhi Municipal Committee and the Municipal Corporation, Delhi, have been moved to provide more cycle tracks for the safety of cyclists.

(7) Traffic patrols on Motor Cycles, check cyclists and others to prevent traffic violations.

Radio-Phone system along Oil Pipeline

3872. **Shri D. C. Sharma:** Will the Minister of **Steel, Mines and Fuel** be pleased to state the progress made in establishing a Radio-Phone system along the 720 mile oil-pipeline in North-East India?

The Minister of Mines and Oil (Shri K. D. Malaviya): The detailed design of the Telemetry/Telecontrol system has been completed and the manufacture of equipment is progressing well. A radio propagation survey has been completed along the entire route of the pipeline and the location of the 16 intermediate radio repeater stations and the heights of towers have been determined. The construction of buildings to house the telecommunications equipment will shortly be taken in hand. Equipment to be imported is scheduled to commence arriving in India in July and August 1961 and its installation will commence shortly thereafter.

Harijan Welfare Board

3873. **Shri D. C. Sharma:** Will the Minister of **Home Affairs** be pleased to state:

(a) the amount earmarked for giving legal assistance to Harijans in 1960-61

by the Harijan Welfare Board in India;

(b) whether the whole amount has been spent; and

(c) if not, the reasons therefor?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) to (c). No amount was earmarked by the Government of India in 1960-61 for giving legal aid to Harijans through any non-official Organisation. Provision for such assistance was made by some of the State Governments/ Union Territory Administrations in their schemes for the welfare of Scheduled Castes, for the execution of which the Government of India gave financial assistance. Full information in this regard will be laid on the Table of the House as promised in reply to Shri Kumbhar's Unstarred Question No. 1408 dated 10th March, 1961.

Houses for S.C. Sweepers and Scavengers

3874. Shri Kunhan: Will the Minister of **Home Affairs** be pleased to state:

(a) how many houses have been constructed for Scheduled Caste families engaged in sweeping and scavenging during the Second Five Year Plan State-wise; and

(b) what amount had been sanctioned for this purpose?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). The information has been called for from the State Governments and will be laid on the Table of the House after it is received.

Houses for S.C. and S.T.

3875. Shri Kunhan: Will the Minister of **Home Affairs** be pleased to state:

(a) how many houses have been constructed for the Scheduled Castes and Scheduled Tribes during the Second Five Year Plan period;

(b) what amount had been sanctioned; and

(c) whether any amount has lapsed; and

(d) if so, what is the reason?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) to (d). The information has been called for from the State Governments and will be laid on the Table of the House after it is received.

Foreign Exchange on Visits of Ministers Abroad

3876. { Shri Ram Krishan Gupta: Shri Pangarkar:

Will the Minister of **Home Affairs** be pleased to state:

(a) the names of Ministers and Deputy Ministers who visited foreign countries during 1960-61;

(b) the purpose of their visit and results achieved; and

(c) foreign exchange incurred upon them?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). The information is being collected and will be laid on the Table of the House.

Posts in the Ministry of Steel, Mines and Fuel.

3877. Shri Ram Krishan Gupta: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the number of posts in each category in the Ministry of Steel, Mines and Fuel as on the 1st January, 1961 and;

(b) how many of them are permanent?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). A statement is placed on the Table of the House. [*See* Appendix VI, annexure No. 13].

Murder of Watchmen in Railway Booking Agency, Delhi

3878. Shri Ram Krishan Gupta: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 952 on the 29th November, 1960 and state:

(a) whether the investigations regarding the murder of two watchmen, who were found dead at the Railway Central Booking Agency, Delhi have been completed; and

(b) if so, the result thereof?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). Yes. A final report showing the case as untraced was submitted to the Magistrate on the 10th October, 1960 and has been accepted as such by the court.

Separation of Judiciary from Executive

3879. Shri Ram Krishan Gupta:
Shri Ajit Singh Sarhadi:
Shri D. C. Sharma:

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 172 on the 16th November, 1960 and state:

(a) what further progress has since been made in the direction of separation of Judiciary from Executive; and

(b) the names of the States where this has been done?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). A statement showing the further progress made by State Governments in the matter of separation of the Judiciary from the Executive is given below:

STATEMENT

Separation of Judiciary from Executive

The further progress reported by State Governments as on 1st February, 1961, is as follows:—

1. *Assam.*—The report of the Committee appointed by the State Government to examine the proposal is still under the consideration of the State Government.

2. *Bihar.*—The scheme is in force in 12 out of 17 districts. Steps have been taken by the State Government to augment the cadre of Munsifs with a view to effecting separation of the Judiciary from the Executive in more districts.

3. *Madhya Pradesh.*—Separation remains to be effected only in the Mahakoshal region. All formalities for introducing the scheme in this region are nearing completion.

4 *Orissa.*—Proposal to extend the scheme to five more districts from 1st May, 1961 and to the rest of the State shortly thereafter is under active consideration of the State Government.

5. *Punjab.*—Separation of the Judiciary from the Executive already exists in 10 out of 19 districts. In the areas of the erstwhile PEPSU there is complete separation. In the erstwhile Punjab areas; this has been done on a modified basis in 5 districts, *viz.*, Gurgaon, Ambala, Simla, Jullundur and Hoshiarpur. The decision in regard to the remaining 9 districts will be taken in the light of the experience gained through the above two systems.

6. *Rajasthan.*—The report submitted by the Committee presided over by Shri Justice K. L. Bapna is still under consideration of the State Government.

7. *Uttar Pradesh.*—The State Government propose to extend the scheme to 13 more districts during the financial year 1961-62.

Loans from Industrial Finance Corporation

3880. **Shri Warior:**
Shri Kodiyan:
Shri Punnoose:

Will the Minister of **Finance** be pleased to state

(a) whether any applications for loans from the Industrial Finance Corporation were received from private industries or co-operative industries during the current financial year; and

(b) if so, how many were sanctioned (with amounts in each case) and how many rejected?

The Minister of Finance (Shri Morarji Desai): (a) Yes, from public limited companies and co-operative societies.

(b) The information in respect of the period from July 1, 1960 upto March 31, 1961 is given below:

	Applications approved.		Applications rejected.	
	No.	Amount (Rs. in lakhs)	No.	Amount (Rs. in lakhs)
1. Public Limited Companies	38	12,13	1	3·5
2. Cooperative Societies	5	2,93	..	..
	43	15,06	1	3·5

Copper Ore

3881. Shri Pangarkar: Will the **Minister of Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that the production of copper ore has increased during the year 1960-61 as against 1959-60; and

(b) if so, the corresponding figures thereof?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Yes, Sir.

(b) 1959-60 411,222 tonnes

1960-61 422,962 tonnes

Supply of Steel to Maharashtra

3882. Shri Pangarkar: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that the despatches of steel to Maharashtra are not saitsfactory during the current year; and

(b) if so, the steps taken to improve the unsatisfactory condition of despatches of steel?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). About 64,000 tons of steel were supplied to Maharashtra State (including despatches to Controlled Stockholders in the State) during the period September, 1960 to January, 1961. About 63,000 tons had been supplied to the Bombay State, including Maharashtra during April to August 1960 prior to the formation of the State of Maharashtra. These despatches cannot be considered unsatisfactory. With increased indigenous production, the supply position in the country will improve further.

School Hostels in Punjab

3883. **Shri Ajit Singh Sarhadi:**
Shri Ram Krishan Gupta:
Shri Daljit Singh:
Shri D. C. Sharma

Will the Minister of **Education** be pleased to state:

(a) whether the Central Government have sanctioned any loan to the Punjab Government for the construction of school hostels during 1960-61; and

(b) if so the total amount sanctioned for each institution in Punjab State?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) (i) Khalsa Basic Training College, Sidhwan Khurd, Ludhiana . . Rs. 16,500

Chhotu Ram Basic Training College Rohtak . . . Rs. 70,000

(ii) A sum of Rs. 40,000 has also been allocated to the Punjab Government for advancing loans to Secondary Schools and Training Colleges during 1960-61. The progress of expenditure against this allocation and details of institutions, if any, to which loans have been advanced have not yet been intimated by the State Government.

Open Air Theatres in Punjab

3884. Shri Ajit Singh Sarhadi: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether the Punjab State Government submitted any proposal to have open air theatres in rural areas in Punjab during 1959-60 and 1960-61;

(b) if so, the nature and details of the proposal and help sought from the Government of India; and

(c) the action taken by the Government of India thereon?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). Yes, Sir. The Punjab State Government submitted proposals for financial assistance under our scheme for establishment of open air theatres in rural areas at the following ten places:—

1959-60

1. Village Naura, Tehsil Nawan Shahr, Distt. Jullundur.
2. Village Saidpur, Tehsil Panipat, Distt. Karnal.

1960-61

3. Kairon, District Amritsar.
4. Dhudeke, Distt. Ferozepur.
5. Sidhwan Khurd, Distt. Ludhiana.
6. Chanarthal, Distt. Patiala.
7. Kamla Nehru Panchayat Shiksha Kender and Partap Stadium, District, Rohtak.
8. Khanda Kheri, Distt. Hissar.
9. Rampur, District Gurgaon.
10. Rupgarh, District. Mohindergarh.

(c) An amount of Rs. 11,500 has been sanctioned to the State Government for setting up these theatres.

Washed Coal

3885. Shri Ajit Singh Sarhadi: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) what is the percentage of washed coal obtained from Kargali, Durgapur and other existing washeries together with cost of washing; and

(b) whether there are any possibilities of improving the percentage.

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The percentage of washed coal obtained from Kargali, Durgapur and other existing washeries is as under:—

Name of the washery	Percentage of recovery of washed coal to raw coal.
(1) Kargali . .	70 to 73
(2) Durgapur .	50 to 60
(3) West Bokaro .	87
(4) Jamadoba	70
(5) Lodna .	70
(6) Nowrazabad .	67

It is only after the plants have been in full production for say about a year can the costs of washing be determined in Kargali and Durgapur. Costs of washing in the other four units, which are in the private sector, are not known.

(b) The percentage of recovery of washed coal depends primarily on the quality of raw coal fed into the washery.

Rehabilitation Finance Administration

3886. Shri Ajit Singh Sarhadi: Will the Minister of **Finance** be pleased to state:

(a) what is the amount overdue to the Rehabilitation Finance Administration and what is the percentage of bad debts already written off; and

(b) what are the reasons of bad debts when due guarantees are given at the time of giving loan?

The Minister of Finance (Shri Morarji Desai): (a) Out of Rs. 528 lakhs, inclusive of interest, overdue to the Rehabilitation Finance Administration as on the 31st December, 1960, a sum of Rs. 9,415 *i.e.* 0.018 per cent has been written off so far;

(b) In a large majority of cases considered bad and doubtful the guarantors themselves were displaced persons whose own financial position worsened with the lapse of time.

Invisible Imports

3887. Shri Damani: Will the Minister of **Finance** be pleased to state the details of invisible imports during 1959-60 and 1960-61?

The Minister of Finance (Shri Morarji Desai): The following statement gives details of the payments on invisibles during 1959-60, and 1960-61 (April-September):

	1959-60*	1960-61* (April-September)
	(In crores of Rs.)	
Foreign Travel .	9·5	6·6
Transportation .	20·3	11·1
Insurance . .	5·4	3·1
Investment Income	38·4	24·5
Government not included elsewhere .	14·0	4·8
Donations :		
(a) Offiial .	..	..
(b) Private	16·1	8·5
Miscellaneous	23·6	15·0
TOTAL	127 3	73·6

*Preliminary.

Indian Guarantee and General Insurance Co. Ltd.

3888. Shri Damani: Will the Minister of **Finance** be pleased to state:

(a) whether Government-sponsored Indian Guarantee and General Insurance Co. Limited has commenced its operations; and

(b) if so, how far it has succeeded in its functions?

The Minister of Finance (Shri Morarji Desai): (a) The Indian Guarantee & General Insurance Co. which is a subsidiary of the Life Insurance Corporation of India has commenced operations.

(b) It has commenced business in 1960 only, the full results of its working are not yet available. During the short period since commencement its business has been satisfactory.

Mineral Wealth of Jammu and Kashmir

3889. Shri Ajit Singh Sarhadi: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) what steps are being taken to commercially exploit lignite, coal and gypsum found in Jammu and Kashmir on investigations carried out by the Geological Survey of India; and

(b) whether the exploitation will be by Public Sector or Private Sector and the details thereof?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). The Government of Jammu and Kashmir have set up a corporation known as the Jammu and Kashmir Mining and Mineral Products Corporation limited, for the development and exploitation of the mineral deposits in the State such as lignite, coal and gypsum.

Scholarships for Higher Studies Abroad

3890. Shri Muhammed Elias: Will the Minister of **Education** be pleased to state:

(a) what is the total number of scholarships awarded to Indian stu-

dents by different foreign countries for higher studies abroad during 1959-60 and 1960-61;

(b) how many students have availed of these opportunities and have gone abroad for studies; and

(c) what is the policy of Government for the selection of the students for these scholarships?

The Minister of Education (Dr. K. L. Shrimali): (a) to (c). Information is being collected and will be placed on the Table of the House in due course.

Nagarjunasagar Project

3891. **Shri Bali Reddy**:
Shri Rameshwar Tantia:
Shri Pangarkar:
Shri Rami Reddy:

Will the Minister of **Finance** be pleased to state:

(a) whether the recommendations of the Gadgil Committee on the working of the Nagarjunasagar Project have been accepted by the Planning Commission; and

(b) if so, the details thereof?

The Minister of Finance (Shri Morarji Desai): (a) and (b). The Team has recently finalised its Report after receipt of comments from Andhra Pradesh and Mysore. The Planning Commission will shortly consider it.

Small-Scale Re-rolling Industry

3892. Shri Ajit Singh Sarhadi: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) how far small-scale re-rolling Industry has been successful in utilizing scrap as raw material in different States;

(b) how much supply in scrap or billets has been made available to each State from controlled sources; and

(c) what is the policy of Government in regard to this small-scale re-rolling Industry?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (c). Small-scale units have been allowed to be set up on condition that such units will use only local scrap. Accordingly, these units are not entitled to allotment of scrap or billets from controlled sources. Nevertheless, some of these units have been asking for supply of billets. In view of the comparatively easy supply position of billets for the time being a quantity of 15,000 tons of billets has been placed at the disposal of Development Commissioner, Small-Scale Industries on *ad hoc* basis for allotment to small-scale re-rollers in various States as under:

State	Allocation in metric tonnes.
Assam	650
Andhra Pradesh	1,042
Bihar	1,080
Gujarat	604
Madhya Pradesh	762
Madras	843
Maharashtra	835
Mysore	705
Orissa	603
Punjab	2086
Rajasthan	798
Uttar Pradesh	1,458
West Bengal	1,968
Delhi	1,000
Pondicherry	226
Jammu & Kashmir	340

Government do not propose to make any regular allotment of billets to small-scale re-rollers, who, as I said, should rely on locally available scrap.

Basic Education in Punjab

3893. Shri Ajit Singh Sarhadi: Will the Minister of **Education** be pleased to state:

(a) the total grant given to the Government of Punjab for promotion of basic education during the Second Five Year Plan; and

(b) the amount utilized during the Second Five Year Plan period for this purpose?

The Minister of Education (Dr. K. L. Shrimali): (a) The following grants were sanctioned to the Government of Punjab for promotion of Basic Education during 1956-57 and 1957-58 under the Second Five Year Plan:—

1956-57: Rs. 5·5994 lakhs.

1957-58: Rs. 5·020 lakhs.

Grants for 1958-59 and 1959-60 were sanctioned sector-wise, *i.e.*, "Elementary Education", "Secondary Education", "University Education" and "Other Schemes" and not for individual schemes separately. In 1960-61, grants are being given for "Education" as a whole. It is, therefore, not possible to give separate figures for "Basic Education" from 1958-59 onwards.

(b) 1956-57: Rs. 5·994 lakhs.
1957-58: Rs. 5·020 lakhs.

As explained above, it is not possible to give this information in respect of the remaining years of the Second Plan.

Canteen Stores Department

3894. Shri Ram Krishan Gupta:
Shri Rameshwar Tantia:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that Canteen Stores Department (India) is run on commercial basis;

(b) if so, the amount of profit earned during the last three years (year-wise);

(c) whether employees are paid bonus;

(d) if not, the reasons therefor; and

(e) whether there is also a proposal to give representative status to its employees?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) 1957-58: Rs. 18,02,830
1958-59: Rs. 22,47,822
1959-60: Rs. 26,10,605

(c) No, Sir, except once during 1950-51.

(d) Though, the Canteen Stores Department (India) is run on commercial lines, yet, unlike commercial undertakings in the private sector, profit making is not its main motive. Whatever trading surpluses accrue are almost wholly paid back to the three Services, whose personnel are its principal clientele, in the form of contributions for welfare and general amenity purposes.

(e) The status of the employees is linked up with the status of the Department which is under consideration.

Canteen Stores Department

3895. Shri Ram Krishan Gupta:
Shri Rameshwar Tantia:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that adverse recommendations of Pay Commission such as reduction in casual leave, reduction in public holidays and observance of Saturdays as full working days have been made applicable to the employees of the Canteen Stores Department (India);

(b) if so, whether the other favourable recommendations such as scales of pay etc. have also been made applicable to them; and

(c) if not, the reasons therefor?

The Minister of Defence (Shri Krishna Menon): (a) to (c). The

Pay Commission's recommendations do not apply directly to the employees of the Canteen Stores Department (India) as they are not Central Government servants. During 1955, however, it was agreed in discussions with the representatives of the CSD(I) Employees' Union that the terms and conditions of the CSD(I) employees, wherever circumstances are similar, may be equated in certain matters with those of the comparable categories of the Defence civilians working in Ordnance Depots of the Army. Accordingly, based on Government decisions in respect of Defence civilians in Ordnance Depots, orders have been passed making the recommendations of the Pay Commission regarding casual leave, Saturdays and public holidays applicable to the CSD(I) employees. A Study Group has been set up by the Government to consider and report on the nature of reliefs to be provided to the employees of the Department in regard to the revision of their pay scales. The Study Group's report, expected during the next month, will, it is hoped, enable Government to pass appropriate orders regarding pay scales.

Steel Re-rolling Mill in Kerala

3896. Shri Narayanankutty Menon: Will the Minister of **Steel, Mines** and **Fuel** be pleased to state:

(a) whether any licence has been granted for a steel re-rolling mill in Kerala State;

(b) if so, whether the mill has started functioning; and

(c) if not, what are the reasons therefor?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Yes, Sir.

(b) and (c). No, Sir. The plant and equipment required for the scheme has not yet been imported. Proposals received from the party in this connection are under consideration.

Tribal Jhumias in Tripura

3897. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether any representation has been made to Government by the tribal Jhumias of Bairagidepa of Teliamura area (Tripura) against the encroachment by the Chakmughat Co-operative Society upon the land which has been partially reclaimed and occupied by the tribals of the Bairagidepa; and

(b) if so, what steps have so far been taken by Government to settle that land with the tribals of Bairagidepa?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes; of the total area of 37·4 acres of the Bairagi Depa, 12·58 acres were settled with 8 tribals in 1957, and 24·80 acres with Chakmaghat Sarbastha Sadhak Samahay Samity. The remaining ·02 acres not in occupation of either party was allotted to the Samity. The Samity has not encroached upon any land of the tribals.

(b) Does not arise.

Land Disputes in Tripura

3898. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that there has been a long standing land dispute between the Tribals settled by the Government and the non-tribals who have been occuppying the lands in question at Kalasi Mauja, Belonia Sub-division, Tripura;

(b) if so, what steps have been taken to settle the case; and

(c) what interim arrangements have been made to provide occupation to the tribals who have been settled on land in question till they get lands in actual possession?

The Minister of State in the Ministry of Home Affairs): (Shri Datar): (a) to (c). The information is being

collected and will be laid on the Table.

Deposit Insurance Corporation

3899. Shri Bibhuti Mishra: Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that Government are going to set up 'Deposit Insurance Corporation' to protect the interest of the bank depositors;

(b) what will be the cost, the initial capital and the relation of the Corporation with the Central Government, the Commercial Banks, the Reserve Bank and the depositors;

(c) whether the bank depositors will also have to contribute anything; and

(d) if so, the details thereof?

The Minister of Finance (Shri Morarji Desai): (a) to (d). The matter is under consideration.

Manganese Mines in Orissa

3900. Shri P. K. Deo: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the circumstances and conditions on which Shri Bijayananda Patnaik was allowed to work manganese mines over an area of 3,000 acres in Keonjhar district Orissa since 1st November, 1952;

(b) whether it is a fact that the Collector has issued a demand notice to Shri Patnaik in January, 1960 for payment of Rs. 6,18,000 (Rupees six lacs and eighten thousand only) towards the balance of Government dues for the period from July, 1953 to June, 1959; and

(c) whether the party has not paid the same and if so, what action has been taken by Government against that party?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Shri B. Patnaik applied for mining lease for manganese over 3,900 acres in District Keonjhar in 1952. On his agreeing to the imposition of the following two conditions:—

(i) to set up a ferro-alloy industry within three years of the State Government informing him of the availability of sufficient quantity of power, and

(ii) the pit's mouth value is to be calculated for the purpose of levying royalty from the price of the ore at the recognised markets, irrespective of a price at which sale is effected,

The State Government permitted him to commence mining operations with effect from 1-11-1952. The working permission was intially for a period of one year only and was to be extended till execution of formal lease deed.

(b) The dues outstanding against Shri Patnaik from July 1953 to 30th June, 1959 amounted to Rs. 6,18,926. 60 nP. A demand notice was issued by the Collector, asking for payment by 28-2-1960.

(c) Shri Patnaik did not pay the amount. The Collector thereupon served a notice on him on 14-12-1960, directing him to stop working the mine and to quit the area by 9-1-1961. Shri Patnaik immediately thereafter filed a writ petition in the Orissa High Court which is now *sub-judice.*

Manganese Mines in Orissa

3901. Shri P. K. Deo: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether Shri Bijayandanda Patnaik has been working in manganese mines over an area of 1006 acres in Keonjhar District of Orissa since 1955 without any valid mining lease; and

(b) if so, what action the Government propose to take?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Shri B. Patnaik applied on 1-7-55 for grant of mining

lease for iron ore over an area of 1,006 acres. This area formed part of the area already in his possession for mining manganese. Permission to work iron ore mines was granted to him by the State Government on 30th August, 1955. He, however, did not execute mining lease.

(b) The collector served a notice on Shri Patnaik to stop working the iron ore mine and to quit the area by 9-1-1961. Shri Patnaik has filed a writ petition in the Orissa High Court and matter is *sub-judice.*

Iron ore in Orissa

8902. Shri P. K. Deo: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that Shri Bijayananda Patnaik despatched over 53,000 tons of Iron Ore from certain mines in Keonjhar district during 1959, but paid no royalty nor produced accounts in spite of repeated notices from the Collector;

(b) if so, what action has been taken by Government against this party?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Yes Sir. Shri B. Patnaik had despatched 53,740 tons of iron ore and had not paid Government dues.

(b) The Collector, District Keonjhar served a notice on Shri Patnaik to stop working the mine and to quit the area by 9-1-1961. Shri Patnaik has filed a writ petition in the Orissa High Court which is now *sub-judice.*

Price of Cartridges

3903. Shri Ajit Singh Sarhadi: Will the Minister of **Defence** be pleased to state:

(a) what is the present production price of 12 bore cartridges at the ordnance factories and their sale price; and

(b) whether any steps are being taken to reduce the sale price?

The Minister of Defence (Shri Krishna Menon): (a) With the increasing demand and output the production cost has been brought down to about Rs. 45 per hundred cartridges excluding cost of packing. The present sale price is Rs. 65 per hundred cartridges, excluding packing.

(b) Yes, Sir. The sale prices are kept under review and steps are being taken to reduce them.

Country Liquor Shops in Orissa

3904. Shri Kumbhar: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that there was a suggestion since long for shifting of country liquor shops run by the Government of Orissa on contract system, away from the bastis of Scheduled Castes;

(b) if so, the measures taken; and

(c) the number of such shops shifted so far district-wise in that State?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). No. Two complaints were however received for shifting of the country liquor shops from the basti sites at Bhawanipatna in Kalahandi district in 1956 and at Sonepur in Bolangir district in 1960. Both the shops have been shifted to unobjectionable sites.

Loan to M|s. Straw Products Ltd., in Orissa

3905. Shri Chintamoni Panigrahi: Will the Minister of **Home Affairs** be pleased to state:

(a) on what date a loan of 15 lakhs of rupees to M|s. Straw Products Limited for setting up a Paper Mill in Orissa, was actually paid to the concern;

(b) whether Government are aware that the Orissa State Aid to Industries Act enjoins on the State Government not to actually advance the money prior to the approval of State Aid to Industries Board; and

(c) on what date the Orissa State Aid to Industries Board approved the said loan?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) The Government of Orissa have not so far advanced any loan to M/s Straw Products Ltd. for setting up the Paper Mill in the State.

(b) Yes.

(c) On 15th March, 1961.

Aid for Students' Tours in Madras

3906. Shri Elayaperumal: Will the Minister of **Education** be pleased to state:

(a) the names of the institutions in Madras State which were given financial aid for students' tours with amounts to each during the year 1958-59, 1959-60 and 1960-61; and

(b) the details of the tours conducted (places visited) with the aid given?

The Minister of Education (Dr. K. L. Shrimali): (a) and (b). A statement is laid on the Table of the House. [Placed in Library. *See* No. LT-2900/61].

Scholariships to Childern of Political Sufferers in Madras State

3907. Shri Elayaperumal: Will the Minister of **Education** be pleased to state:—

(a) whether Government have sanctioned any amount to Madras State for implementing the scheme for the grant of educational stipends and scholarships to the childern of political sufferers in Madras State in 1960-61 and 1961-62; and

(b) if so, how much?

The Minister of Education (Dr. K. L. Shrimali): (a) The Government of India have already given their administrative approval to the Government of Madras for the implementation of their scheme of educational concessions to the childern of political sufferers for the year 1960-61. The Government of India's share of expenditure will be released when the tSate Government has intimated the exact expenditure incurred during 1960-61. Similarly, the Government of India's share for 1961-62 will be sanctioned when the figures of expenditure incurred are received from the State Government during 1962-63.

(b) Does not arise.

Techno-Economic Survey of Manipur

3908. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the National Council of Applied Economic Research has suggested a development plan with an outlay of Rupees 20.5 crores over ten years between 1962—71 in their report of the Techno-economic survey of Manipur;

(b) whether the proposed higher expenditure is expected to increase the *per capita* income by nearly 3 per cent per annum; and

(c) if so, how does it compare with the rate of increase in income in the rest of India?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) That is the opinon of the Council.

(c) The information is being colleted and will be laid on the table.

Training for Manipur Officials

3909. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether an officer from the secretariat Training School in New Delhi was deputed to Manipur for imparting training in office practice and procedure to the officials of the Administration and the Territorial Council;

(b) if so, whether his term of deputation has been extended; and

(c) whether any regular course of training was adopted?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes; he was deputed initially for a period of six months with a view to imparting training to the Secretariat staff of the Manipur Administration.

(b) Yes; it was extended by six months. A proposal to give him a further six month's extension is under consideration.

(c) Yes; nine regular courses of training have been held.

Court Arrears in Manipur

3910. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the number of pending cases in the courts of the District and Sessions Judge, the Sub-Judges and the Munsiffs in Manipur had increased during the year 1960-61; and

(b) the figures of cases filed and disposed of by these courts during 1958-59, 1959-60 and 1960-61 respectively?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) A statement giving the factual information is laid on the Table. [*See* Appendix VI, annexure No. 14].

505 Army Workshop, Delhi Cantt.

3911. **Shri S. M. Banerjee:**
Shri Tangamani:
Shri Muhammed Elias:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that four workers of 505 Army Workshop, Delhi Cantt. have since been removed from service on the grounds of taking part in the July 1960 strike;

(b) whether it is also a fact that there was absolutely no strike in the said workshop;

(c) if so, the charges against these workers;

(d) whether appeals have been preferred by these employees; and

(e) if so, whether the appeals have been considered by Government?

The Minister of Defence (Shri Krishna Menon): (a) Only 3 workers of 505 Army Base Workshop, Delhi Cantonment were dismissed from service on the charge of gross misbehaviour in connection with the strike during July 1960.

(b) No, Sir; this Workshop was partially affected by the Strike in July 1960.

(c) Gross misbehaviour.

(d) Yes, Sir.

(e) The appeals have been considered and rejected by the appellate authority.

Airfield at Chandigarh

3912. Shri Ajit Singh Sarhadi: Will the Minister of **Defence** be pleased to state:

(a) whether there is any proposal under consideration to extend and enlarge the airfield at Chandigarh; and

(b) if so, the nature of enlargement envisaged and the detail of the scheme and date of its completion?

The Minister of Defence (Shri Krishna Menon): (a) and (b). Certain works services have been authorised for execution at Chandigarh airfield. Further requirements are under examination. After the details have been finalised, the works will be sanctioned and executed as early as possible.

U.P.S.C. Stenographers' Examination

3913. Shri Elayperumal: Will the Minister of **Home Affairs** be pleased to state:

(a) how many Scheduled Castes candidates appeared for the U.P.S.C.

Stenographers' Examination in the years 1959 and 1960;

(b) how many of them were selected by the U.P.S.C.; and

(c) how many of them were provided jobs in 1959 and 1960, separately?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) 1959-52.
1960-122.

(b) 1959-7
1960-10.

(c) All the seven candidates of the 1959 Examination have been appointed as stenographers. The result of the 1960 Examination was declared on the 13th March, 1961. Six out of the ten candidates have been offered appointments and steps have been taken to offer appointments to the remaining four.

Ex-Servicemen in Madras

3914. **Shri Elayaperumal:** Will the Minister of **Defence** be pleased to state:

(a) the number of servicemen as on 31st December, 1961 district-wise in Madras State;

(b) the number of those who went on pension before 1952 and those who were pensioned after 1952; and

(c) the number of those who have been gainfully employed till the 31st December, 1960?

The Minister of Defence (Shri Krishna Menon): (a) and (b). The required information is not available.

(c) 12,614 ex-servicemen were found employment in Government service during the period 1st May 1951 to 31st December 1960, in Madras State. No information is available regarding the number of ex-servicemen who have been able to secure private employment.

Writ petitions

3915. **Shri Elayaperumal:** Will the Minister of **Home Affairs** be pleased to state the number and nature of the writ petitions disposed of in the High Court of Madras from the 1st January, 1961 upto 31st March, 1961?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The information is being obtained and will be laid on the Table of the Lok Sabha.

Iron Sheets for Madras

3916. **Shri Elayaperumal:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the demand of iron sheets by Madras State during 1961;

(b) the extent to which the demand has been met; and

(c) the arrangements made by Government to provide more iron sheets to Madras?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). Allotment of steel is made financial year-wise. The following are the demand and allotment of sheets to Madras during the year 1960-61:

	tons.
(i) Demand	21,149
(ii) Allotment	10,967
(iii) Despatches ..	5,151 (upto January 1961, including despatches against central quotas).

(c) With the finishing mills of Rourkela in production, supply position of sheets to Madras, as well as to other States, should now gradually improve.

Dhoolies in Tripura

3917. **Shri Bangshi Thakur:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that there are about two thousand dhoolies in Kailasar Sub-Division of Tripura;

(b) whether they fall under the category of the untouchables but are not listed as scheduled castes; and

(c) if so, the reasons therefor?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) According to the 1951 Census the population of **dhoolies** (Sabdakars) in Kailasahar sub-division of Tripura is 1120.

(b) and (c). They do not suffer from the stigma of untouchability and have not therefore, been listed as Scheduled Castes.

Narsingarh Camp for Unattached Displaced Women in Tripura

3918. Shri Dasaratha Deb: Will the Minister for **Education** be pleased to state:—

(a) the total accommodation in the Narsing Garh Camp for unattached refugee women, Tripura;

(b) total number of women accommodated there; and

(c) whether any representation has been received by Government from displaced persons expressing unwillingness to go there?

The Minister of Education (Dr. K. L. Shrimali): (a) There is no Camp for unattached Refugee Women at Narsing-Garh, Tripura;

(b) and (c). Does not arise.

Government Boarding Houses for S. C. Students in Tripura

3919. Shri Dasaratha Deb: Will the Minister of **Education** be pleased to state:

(a) the total number of students belonging to Scheduled Castes accommodated in Government boarding houses in Tripura;

(b) the total number of such students getting Government boarding stipends; and

(c) whether additional accommodation would be provided for Scheduled Caste students?

The Minister of Education (Dr. K. L. Shrimali): (a) (i). 24 in boarding houses under the Territorial Council.

(ii) 12 in boarding houses under the Administration.

(b) Students residing in boarding houses under the Territorial Council get a stipend of Rs. 25 P.M. per student. The 12 students residing in boarding houses under the Administration are in receipt of postmatric scholarships, the amount of which includes the boarding cost also.

(c) Yes, Sir.

Quarters for Teachers in Tripura

3920. Shri Dasaratha Deb: Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that primary school teachers in inaccessible areas of Tripura suffer from lack of quarters; and

(b) if so, the steps taken to provide them with quarters?

The Minister of Education (Dr. K. L. Shrimamli): (a) Yes, to some extent.

(b) Suitable provision has been made for construction of teachers' quarters in the Third Five Year Plan.

Employees of Tripura Administration

3921. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) the steps taken to implement the recommendations of the Central Pay Commission so far as they relate to employees of Tripura Administration; and

(b) if no steps have been taken, the reasons for the delay?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and

(b) On the Central Pay Commissions recommendation that the emoluments of the staff of the Tripura Administration should continue to be at the West Bengal rates, it has been decided that

(i) the pay scales in Tripura should conform, as far as possible, to the pay scales obtaining in West Bengal for equivalent posts; and

(ii) the entire dearness allowance admissible to the employees of Tripura Administration should be treated as part of pay for all purposes except increments in the case of those dawing pay below Rs. 250 p.m., and in the case of those drawing pay of Rs. 250 and above the treatment of dearness allowance as pay should be restricted to the amount of dearnes allowance admissible to Central Government servants before the 1st July 1959, in the corresponding pay ranges. The balance of the dearness allowance, if any, should continue to be treated as dearness allowance.

As the scales of pay of the various posts under the Administration were low as compared to the 1950 West Bengal scales for corresponding posts, orders were recently issued revising the scales of pay of a large majority of the posts with retrospective effect from 1st July, 1959. The revision of pay scales of the balance of posts is under active consideration.

Integration of Services Local Fund Account Deptt. Kerala

3922. Shri V. Eacharan: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the decisions of the Second Integration Committee regarding the integration of services in the Local Fund Account Department have been communicated to the State Government of Kerala;

(b) if so, when and whether it has been published;

(c) whether there is any provision to pay the arrears of pay due to any enhancement of pay, consequent on the decisions of the integration of services with retrospective effect from the 1st November, 1956; and

(d) whether the State Government got any jurisdiction to alter the decisions of the committee constituted by the Government of India?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) The Government of Kerala whose responsibility it is to complete the preliminaries in respect of integration of services, set up a Committee with an Officer of the Government of India as Chairman, to assist them in the work. As the Committee made its recommendations to the State Government, no question of communicating the same to the State Government arises.

(b) While publishing the equation of the posts in the Department, the State Government have mentioned that they had taken into account the recommendations of the said Committee.

(c) The employees affected by reorganisation will have an option to choose either the pay scales of their parent State or the scales obtaining in the new State and they will be paid according to the scales that they opt for from the date of option.

(d) Under sub-section (5) of Section 115 of the States, Re-organisation Act, the Central Government may establish one or more Advisory Committees for purposes of assisting it in regard to the division and integration of services. The Committee makes recommendations for consideration of the Central Government. The question of the State Government altering the "decisions" of the Committee does not, therefore, arise.

Coal for Orissa

3923. Chri Chintamoni Panigrahi: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the total quantity of coal despatched to Orissa during January, 1961 to March, 1961;

(b) whether the entire quota allotted to Orissa has been moved during this period; and

(c) if not, what were the difficulties to move the full quota allotted through the Railways?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) 11,552 wagons of coal were despatched to Orissa during January, 1961 to March, 1961.

(b) and (c). Despatches could not be to the full extent of the quota due to transport limitations.

Ex-Servicemen

3924. Shri Dharmalingam: Will the Minister of **Finance** be pleased to state:

(a) Whether it is a fact that the ration allowance, city compensatory allowance, etc. drawn by ex-service men are not taken into account while fixing their pay on their subsequent appointment on the civil side; and

(b) if so, the reasons therefor and the number of such affected persons in the Central Secretariat Service?

The Minister of Finance (Shri Morarji Desai): (a) Yes.

(b) The allowances on the Defence side, like ration allowance, city compensatory allowance, etc. are in the nature of concessions specifically attached to posts with reference to the peculiar conditions of living in military employment. They are not, therefore taken into account in fixing pay of ex-Servicemen on their subsequent appointment on the civil side. Such men are eligible to the prevailing allowances attached to the civil posts like dearness allowance, city compensatory allowance, house rent allowance, etc.

The question to what extent the allowances in the Defence side should be taken into account for purposes of fixing pay on the civil side is, however, being reviewed.

The number of persons in the Central Secretariat Service who have been affected by the existing orders is not readily available. Informatiin is being collected and will be laid on the table of the House as soon as possible.

Lake in Roshanara Gardens in New Delhi

3925. Shri P. C. Borooah: Will the Minister of **Home Affairs** be pleased to state:

(a) whether there is a scheme for remodelling the lake in the Roshanara Gardens in New Delhi on the Japanese pattern;

(b) if so, what changes will be made therein;

(c) what is the cost of he scheme; and

(d) what progress has been made in the implementation of the scheme so far?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) The existing lake is being extended so as to make it about one & half times the present size. Informal group plantings of trees will be done around the lake area. Stone setting will be done at suitable points. There is a proposal to construct a restaurant in one corner of the lake and also to provide an open air theatre and Children's theatre. Four channels are proposed to be provided around the Baradhari in order to restore its old Mughal character. The shape of the entire island will also be beautified and connected with the other side by a wooden bridge. A water fall is also proposed to be provided.

(c) Estimated cost is about Rs. 10 lacs.

(d) The work of extending the lake has been started. The designs of the restaurant and Tea house have been prepared. Estimates for horticultural and Civil Engineering works are under preparation. The details for providing an open air theatre and Children's theatre are being worked out by Indian Council of Agricultural Research.

Visit of U.S. War College Team

3926. Shri P. C. Borooah: Will the Minister of **Defence** be pleased to state:

(a) whether a U. S. War College Team visited India recently;

(b) if so, whether any discussions were held with the team; and

(c) if so, on what specific subjects?

The Minister of Defence (Shri Krishna Menon): (a) A team of officers from the U.S. National War College visited India from 2nd to 4th April, 1961. As part of the College course, in order to acquaint the students with foreign countries, the Government of U.S.A. every year arranges visits outside their territory. Their visit to India was in pursuance of this normal practice.

(b) and (c). No discussions were held with them. However, talks on our community development projects and Five year Plans were arranged for them.

Vijnan Mandirs

3927. Shri Dharmalingam: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether the assessment Committee appointed by the Government of India has found the functioning of the Vijnan Mandirs to be altogether unsatisfactory; and

(b) if so, the nature of the recommendation?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b). The recommendations of the Assessment Committee on Vijnan Mandirs are contained in its report (Volume I) which has been laid on the table of the House on the 28th March, 1961.

Oil and Tincture from Cardamom

3928. Shri R. Narayanaswamy: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether the investigations on the preparation of oil and tincture from cardamom have been carried out by the Council of Scientific and Industrial Research; and

(b) if so, the results thereof?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) No, Sir.

(b) Does not arise.

Rare Works on Siddha Vaidya system in Madras State

3929. Shri R. Narayanasamy: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that Government have finalized a plan for collecting all manuscripts and rare works on Siddha Vaidya System in the State of Madras; and

(b) if so, the steps taken in this regard?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) No, Sir.

(b) Does not arise.

T. A. & D.A. of Ex-Ministers of Orissa

3930. Shri Chintamoni Panigrahi: Will the Minister of **Home Affairs** be pleased to state the amount of money drawn by all the Ministers in Orissa separately towards their T. A. & D.A. from 29th February, 1960 to 25th February, 1961.

The Minister of State in the Ministry of Home Affairs (Shri Datar): A statement is laid on the Table. [*See* Appendix VI, annexure No. 15.]

हिमाचल प्रदेश में हत्याओं की संख्या

३९३१. **श्री पद्म देव** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में १९६० में कितनी हत्यायें हुई और १९५७, १९५८ और १९५९ में इनकी संख्या कितनी थी;

(ख) कितनी हत्याओं का (वर्षवार) पता नहीं लग सका ; और

(ग) कितने लोगों को दण्ड दिया गया ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री दातार) : (क) से (ग) :

	रिपोर्ट की गई हत्याओं की संख्या	जिन मामलों में पता नहीं लग सका	दोषी ठहराये गये व्यक्तियों की संख्या
१९५७	१९	..	९
१९५८	१३	१	७
१९५९	१९	१	१७
१९६०	१६	१	१३

हिमाचल प्रदेश का परिवहन विभाग

३९३२. **श्री पद्म देव** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश के परिवहन विभाग की मोटर गाड़ियों के विरुद्ध गत तीन वर्षों में मोटर गाड़ी एक्ट के अन्तर्गत कितने मामले दर्ज किये गये ; और

(ख) कितने मामलों में दण्ड दिया गया

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री दातार) : (क) और (ख) गत तीन वर्षों में हिमाचल प्रदेश के परिवहन विभाग की मोटर गाड़ियों के चालान किये गये तथा दण्ड दिये गये मामलों की संख्या निम्न प्रकार है :—

	१९५८	१९५९	१९६०
चालान किए गये	२३९	१६०	२७५
दंड दिये गये	२३४	१५१	२४५

(२० मामले अभी विभिन्न न्यायालयों में लम्बित हैं) ।

हिमाचल प्रदेश पुलिस द्वारा चलाई जाने वाली बाल-क्लबें

३९३३. **श्री पद्म देव** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश की पुलिस द्वारा १९६० में कितने क्लब चलाये जा रहे थे ;

(ख) इन क्लबो के द्वारा क्या-क्या कार्य सम्पादित हुए ; और

(ग) इन क्लबों को सरकार ने क्या सहायता दी ?

गृह-कार्य उपमंत्री (श्रीमती आल्वा): (क) बत्तीस ।

(ख) यह क्लब बच्चों को निम्न-लिखित सुविधायें देते हैं :

(i) आभ्यन्तर तथा गृहबाह्य खेल (Indoor & outdoor games) ;

(ii) मनोरंजनात्मक कक्षायें, जैसे टोकरियां बनाना, कताई, बुनाई आदि ;

(iii) सांस्कृतिक कार्यक्रम, जैसे गायन आदि ; तथा

(iv) पुस्तकें, समाचार पत्रों, पत्रिकाओं आदि का पढ़ना ।

(ग) हिमाचल प्रदेश पुलिस क्लब फैडरेशन (पंजीकृत) को केन्द्रीय समाज कल्याण बोर्ड ने सन् १९६० में ३००० रुपये का सहायक अनुदान दिया ।

हिमाचल प्रदेश में अस्पृश्यता सम्बन्धी अपराध

३९३४. **श्री पद्म देव** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में वर्ष १९६० में छुआछूत सम्बन्धी कितने अभियोग चलाये गये ;

(ख) जिन के विरुद्ध अभियोग चलाये गये उन में से कितने परिगणित जाति के और कितने सवर्ण हिन्दू थे ; और

(ग) कितने व्यक्ति दण्डित हुए ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बातार) : (क) से (ग) तक : सन् १९६० में हिमाचल प्रदेश में अस्पृश्यता (अपराध) अधिनियम, १९५५ के अंतर्गत कोई मामले नहीं चलाये गये ।

हिमाचल प्रदेश में अवैध मद्य-निर्माण

३९३५. **श्री पद्म देव** : क्या गृह-कार्य मन्त्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में अवैध मद्य निर्माण करने और मद्य रखने के आरोप में कितने व्यक्ति गिरफ्तार हुए; और

(ख) गिरफ्तार व्यक्तियों में से कितने दण्डित हुए ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बातार) : (क) और (ख) सूचना एकत्रित की जा रही है और सभा पटल पर रख दी जाएगी ।

हिमाचल प्रदेश में मद्य-निषेध

३९३६. **श्री पद्म देव** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश के किन-किन क्षेत्रों में मद्यपान नितान्त निषिद्ध है; और

(ख) इन क्षेत्रों में मद्य-निर्माण और दूसरे स्थानों से मद्य की चोरी छिपे ले जाने को रोकने के लिये क्या-क्या साधन अपनाए गये हैं ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बातार) : (क) हिमाचल प्रदेश के निम्न-लिखित क्षेत्रों में नितान्त निषेध लागू किया गया है :—

बिलासपुर ज़िला सारा कुमारसेन की उप तहसील कोटखई की उप तहसील चौपाल तहसील जुब्बल तहसील अर्की तहसील में कुहि-नार क्षेत्र	जिला महासू

मण्डी ज़िले की चचियाट तहसील टचम्बा ज़िले की भरमौर तहसील में परगना साहा तथा चौरासी क्षेत्र ।

(ख) उक्त क्षेत्रों में मद्य निर्माण तथा उसके तस्कर व्यापार को रोकने के लिये निम्नलिखित साधन अपनाए गए हैं:—

(१) न क्षेत्रों में पर्याप्त उत्पादन कर तथा पुलिस स्टाफ नियुक्त किया गया है ।

(२) निषेध नीति के सफल कार्यान्वय के विषय में प्रशासन को सलाह देने के लिये सरकारी तथा गैर सरकारी सदस्यों की जिला निषेध समितियां तथा एक राज्य निषेध बोर्ड की स्थापना की गई है ।

(३) इस क्षेत्र में पंजाब उत्पादन कर (संशोधन) अधिनियम, लागू कर दिया गया है जिस के अधीन अपराधियों को बड़ी सजा दी जा सके ।

(४) लागू किये गए कानूनों की कमियां तथा प्रदेश के निषेध-क्षेत्र में निषेध की सफलता पर विचार करने के लिये एक समिति स्थापित की गई है । समिति को आवश्यकता अनुसार गैर-सरकारी सदस्य मनोनीत करने का अधिकार दे दिया गया है ।

(५) मद्य के अवैध निर्माण का पता लगाने तथा ऐसे मद्य की जांच निकालने के लिये कुल प्रशिक्षित किए जा रहे हैं।

अवैध अफीम का पकड़ा जाना

३९३७. **श्री पद्म देव** : क्या **वित्त** मन्त्री यह बताने की कृपा करगे कि :

(क) हिमाचल प्रदेश में वर्ष १९६० में कितनी अवैध अफीम पकड़ी गई; और

(ख) कितने व्यक्ति दोषी पाये गये गये और कितनों को दण्ड दिया गया ?

वित्त मंत्री (श्री मोरारजी देसाई) : (क) २२.५११० किलोग्राम

(ख) ३७ आदमी पकड़े ग थे। जिन लोगों को सजा दी गयी उनकी संख्या के बारे में हिमाचल प्रदेश सरकार की सूचना की प्रतीक्षा की जा रही है।

Separate Subordinate Service for Delhi

3938. Shri Ram Krishan Gupta: Will the Minister of **Home Affairs** be pleased to state at what stage is the proposal to set up a separate subordinate service for the Union Territory of Delhi?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The Delhi and Himachal Pradesh Civil Service and the Delhi and Himachal Pradesh Police Service were constituted recently to serve jointly th needs of the Administrations of these Union territories. The Rules relating to these Services were publishd in the Gazette of India Extraordinary on 15th and 30th March respectively.

The exact implications of a "separate Subordinate Service" for the Union territory of Delhi are not clear. Each major Department of the Delhi Administration such as the Police, Revenue Excise and Sales Tax Department etc. has independent cadres for various grades of subordinates who are governed by the relevant recruitment rules framed for the purpose. There is no proposal under consideration to form a separate Subordinate Service as such for any individual Department or for various Departments jointly.

Orissa Chief Minister's Relief Fund

3939. Shri B. C. Mullick: Will the Minister of **Home Affairs** be pleased to state:

(a) what is the total amount of money received for the Orissa Chief Minister's Relief Fund 1960;

(b) what amounts out of the Fund had been utilised upto the 21st February, 1960, the day on which the State Ministry submitted its resignation;

(c) whether any procedure has been adopted to utilise the unspent money after the dissolution of the State Ministry; and

(d) if so, the nature of the procedure?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (d). A sum of Rs. 5,13,769.34 nP. was received for the Orissa Chief Minister's Relief Fund 1960 upto the end of February 1961. A sum of Rs. 4,50,000 was given out of the Fund upto 21st February 1961. After the dissolution of the State Ministry the Chief Secretary to the Government of Orissa has been authorised to operate the Fund under tht orders of the Governor of the State.

House Rent in Delhi

3940. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that house rents in Delhi are still rising despite freezing of land; and

(b) if so, the steps taken or proposed to be taken to check the rise in house rents?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) House rents in Delhi continue to be high.

(b) Attention is invited to the statement laid on the Table of the House on the 23rd March, 1961 in reply to the notice under Rule 197 from Shri P. G. Deb regarding allotment of acquired land in Delhi which contains the decisions taken by the Government of India for stabilisation of land values and acquisition, development and allotment of land in Delhi. It is expected that the implementation of this scheme will stabilise land values and check the rise in house rents.

505 Army Base Workshop, Delhi Cantt.

3941. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) what is the actual cost of the store locally purchased from local market by 505 Army Base Workshop, Delhi Cantt, during 1959-60 and 1960-61; and

(b) whether it was not possible to manufacture all these items in the ordnance factories or EME Workshops?

The Minister of Defence (Shri Krishna Menon): (a) The cost of the stores locally purchased by 505 Army Base Workshops during 1959-60 and 1960-61 is Rs. 4,45,927 and Rs. 9,48,449, respectively.

(b) Local purchase is resorted to when the stores are not available from the normal sources of supply *viz.*, Ordnance, they are required urgently to progress the commitments on the Workshop floor and they are available from the local market. If the stores are not available in the local market, these are manufactured in the EME Workshops to the extent possible in view of the urgency of the requirement.

Bharat Electronics

3942. Shri Ajit Singh Sarhadi: Will the Minister of **Defence** be pleased to state:

(a) whether Bharat Electronics have supplied some transmitters to the All India Radio during 1960;

(b) whether they were manufactured by Bharat Electronics or assembled here by importation of components from Japan; and

(c) if the components were imported from Japan, whether the Bharat Electronics charge some commission?

The Minister of Defence (Shri Krishna Menon): (a) Bharat Electronics Limited have not supplied any transmitter to All India Radio during 1960.

(b) and (c). Do not arise.

Indian Films shown Abroad

3943. Shri Ajit Singh Sarhadi: Will the Minister of **Finance** be pleased to state:

(a) what method is adopted to assess the income on Indian films exported outside and shown in foreign countries; and

(b) whether it is a fact that a lot of foreign exchange is lost, because correct income figures are not available?

The Minister of Finance (Shri Morarji Desai): (a) Films are exported outside India either on outright sale or on rental basis. In the case of outright sale, the exporters have to submit a declaration in the proper form undertaking to repatriate the sale proceeds through approved channel. The realisation of sale proceeds is reported by the exporters' banks to the Reserve Bank and has to be made within the stipulated time. In the case of films exported on rental basis, the exporter has to approach the Reserve Bank for waiver of the above formalities but submit documents including bank certificates in

support of earnings received and custom bills for re-import of the films exported on rental basis. This procedure enables the Reserve Bank of compile the figures of receipts on account of earnings of Indian films abroad.

(b) No, Sir.

Delhi Institutions for Technical Education

3944. Shri D. C. Sharma: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the number of public or private institutions in Delhi providing technical education; and

(b) the steps taken or proposed to be taken to increase facilities for technical education?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) There are two technical institutions in Delhi at present.

(b) Under the Third Five Year Plan of Delhi Administration, two Polytechnics are proposed to be established during the plan period. A new college of Engineering and Technology is also being established under the Central Government.

Arrears of Pay of the Retrenched Employees

3945. Shri B. K. Gaikwad: Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the employees of Government of India retrenched during 1960 and subsequently re-employed are entitled to payment of arrears of pay with effect from 1st July, 1959 to the date of retrenchment; and

(b) if not, the reasons therefor?

The Minister of Finance (Shri Morarji Desai): (a) Yes, Sir. All persons who were in service of the Central Government on the 1st July, 1959, but were retrenched thereafter, are eligible for all the benefits of the Revised Pay Rules, including arrears, irrespective of the fact whether they are subsequently re-employed or not.

(b) Does not arise.

I.A.F. Airmen Captured by Nagas

3946. Shri Ram Krishan Gupta: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that the four I.A.F. airmen captured by Nagas are still in the custody of Nagas;

(b) if so, the efforts made so far for their release; and

(c) the result thereof?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) and (c). It is not in the interests of national security to give an account of efforts made or their results.

Administrative Staff College, Hyderabad

3947. { Shri T. B. Vittal Rao: / Shri Muhammed Elias:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state the amount of loan and grant to be paid during 1961-62 to the Administrative Staff College, Hyderabad?

The Minister of Scientific Research and Cultural Affairs (Shri Humyaun Kabir): During 1961-62, a sum of Rs. 2·5 lakhs is proposed to be paid as a grant to the College.

Central Institute for Foundry and Forging

3948. { Shri T. B. Vittal Rao: / Shri Muhammed Elias:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) at what stage is the proposal to set up a Central Institute for Foundry and Forging; and

(b) whether this Institute will prepare students for degrees or give their own certificates?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) A detailed scheme for the establishment of a Foundry and Forge Training Institute is being prepared by an Expert Committee appointed for the purpose.

(b) The Institute will train graduates and diploma-holders in engineering in specialised aspects of Foundry and Forge Technology and award appropriate Certificates to successful candidates.

All India Council for Technical Education

3949. Shri T. B. Vittal Rao: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) when the next meeting of All India Council for Technical Education will be held; and

(b) the subjects likely to be discussed?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) It has been decided to hold the next meeting of the Council on the 7th July, 1961.

(b) Programmes for expansion and improvement of technical education in the country.

Directorate of Practical Training of Mining Students

3950. { Shri Kunhan: / Shri T. B. Vittal Rao:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) at what stage is the proposal to set up a Directorate of Practical Training which will organise, supervise and co-ordinate the practical training of mining students;

(b) whether it is a fact that considerable hardship is experienced by students of degree and diploma courses in the absence of aforesaid Directorate; and

(c) whether Government contemplate offering stipends to the students during the period of practical training?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) The various organisational and financial details are being worked out.

(b) No, Sir, as pending the establishment of a full-fledged Directorate, a Practical Training Unit has been set up at Dhanbad which is arranging for the training of graduates.

(c) Graduate-trainees are being paid a stipend of Rs. 150 p.m. The question of giving similar stipends to Diploma-holders will be considered after a decision has been taken regarding the scope and duration of their practical training.

Census Operations

3951. Shri Kunhan: Will the Minister of **Home Affairs** be pleased to state:

(a) whether any allowance has been paid to Census enumerators; and

(b) if so, what is the rate of allowance paid to the enumerators?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). An honorarium of Rs. 20 will be paid to each enumerator, which will include house-numbering, house-listing and enumeration charges.

Mines Managers Certificate Examinations

3952. { Shri Muhammed Elias: / Shri T. B. Vittal Rao:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether any decision has since been taken about giving some conces-

sion in the fulfilment of the requirement of practical training having regard to the education and training of mining graduates and diploma holders in the educational institutions to be eligible to sit for the Mines Managers Certificate Examinations; and

(b) if so, the nature of concession proposed to be given?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). The matter has been taken up with the authorities concerned with the administration of Indian Mines Act of 1952. Their decision is awaited.

Non-Co-operation of Gurujang Villagers in Panchayat Elections

3953. Shri P. G. Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the people of Gurujang village in the Sub-division of Talcher in Orissa have non-co-operated in the Panchayat Elections since 1954;

(b) the reasons for the same; and

(c) the steps taken by the Government to meet their demands?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). The information is being collected from the Government of Orissa and will be laid on the Table of the House in due course.

Panchayat Enquiry Committee of Orissa

3954. Shri P. G. Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the report of Panchayat Enquiry Committee of Orissa, 1958 suggesting reorganising Gram Panchayats with a reduced population between 1,500 and 3,000 has received the approval of Government this year; and

(b) the steps taken by Government in implementing the decisions?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). On the recommendations of the Panchayat Enquiry Committee of Orissa the State Government of Orissa have decided to reorganise Panachayats to ensure a population coverage as close to 3000 as possible having due regard for considerations of financial viability. In order to implement the decision, tentative proposals from Collectors of Districts for the reorganisation of Panchayats are obtained and notified for public objections. The objections received are jointly enquired into by the Director of Gram Panchayats and the concerned Collector. Final orders are proposed to be passed by the Government on the basis of the joint enquiry reports. Such enquiries have already been completed in the case of eight districts and are yet to be taken up in respect of five remaining districts. It has also been decided that the reorganisation of Panchayats will be taken up only after the ensuing mid-term elections in Orissa.

Land for Displaced Persons of Hirakud

3955. Shri P. G. Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether forests reserved on both sides of National Highway No. 6 under Kuchinda Sub-Division for rehabilitation of Hirakud displaced persons have been released for reclamation for Landless Scheduled Castes and Scheduled Tribes of that area:

(b) the number of applications received so far for the purpose; and

(c) the steps taken in the matter?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). The information is being collected from the Government of Orissa and will be laid on the Table of the House in due course.

Advance Increments to Civilian Employees of A.F.H.Q.

3956. Shri M. B. Thakore: Will the Minister of **Defence** be pleased to state:

(a) whether orders were issued by the Ministry of Defence (CAO) in

March, 1958 regarding the grant of two increments to such of the Lower Division Clerks working in the A.F H.Q. and the DGOF who had either been confirmed as Lower Division Clerks or had completed three years' continuous service in that grade;

(b) whether any clarification was subsequently issued regarding the admissibility of the additional increments to persons who had not opted for the prescribed scales of pay;

(c) the number of persons not opting for the prescribed scales of pay to whom the increments were granted;

(d) whether it is a fact that the increments already granted to the persons at (c) above have now been withdrawn and recovery of the amounts already paid has been ordered; and

(e) if so, whether legal opinion had been obtained before ordering the withdrawal increments and the recovery of the amounts already paid?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) No, Sir.

(c) Eight.

(d) Yes, Sir.

(e) No, Sir.

Lower Division Clerks

3957. Shri M. B. Thakore: Will the Minister of **Home Affairs** be pleased to state:

(a) whether orders were issued by the Home Ministry in October, 1954 regarding the grant of two increments to Lower Division Clerks in the Civil Offices who were either confirmed as L.D.Cs. or had completed three years' continuous service in that grade;

(b) whether any clarification was issued regarding the admissibility of additional increments to persons who had not opted for the prescribed scales of pay;

(c) the number of persons in Civil Offices not opting for the prescribed scales to whom the increments were granted; and

(d) whether it is now proposed to withdraw the increments from the persons referred to in part (c) above?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Orders were issued by this Ministry in October 1954, regarding the grant of 2 additional increments to persons who were confirmed in the Lower Division in the Central Secretariat Service at its initial constitution, and also to temporary Lower Division clerks who were not so confirmed but had completed 3 years' continuous service in that grade and were considered suitable for confirmation.

(b) No, as no such order was considered necessary.

(c) No such case relating to members of the Central Secretariat Clerical Service has come to the notice of this Ministry.

(d) Does not arise in view of the position stated at (c) above.

Employees of Base Workshop, Delhi Cantt.

3958. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) what is the total amount of over-time wages paid to the employees of 505 Army Base Workshop, Delhi Cantt. during the months of January, February and March, 1961; and

(b) what was the emergency which necessitated the over-time working?

The Minister of Defence (Shri Krishna Menon): (a) The amount of overtime wages paid during the three months is as under:—

January 1961—Rs. 267·97.

February 1961—Rs. 3,143·69.

March 1961—Rs. 7,120·24.

(b) The emergency was due to the following reasons:—

(a) Preparation of certain special prototypes of vehicles to be

completed during March, 1961;

(b) Urgent requirement of overhaul to certain specialist vehicles which had to be completed by March 1961; and

(c) Reorganisation of the 'B' Vehicle line during February—March 1961.

Petrol Tanks for Daimler Armoured Cars

3959. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that some petrol tanks for Daimler armoured cars were locally purchased at the rate of Rs. 150 per tank by the 505 Army Base Workshop, Delhi Cantt. about two years back and after some time these were sent to Salvage Depot as unserviceable;

(b) whether it was not possible to manufacture these tanks in the E.M.E. Workshop; and

(c) what is the total amount of wastage?

The Minister of Defence (Shri Krishna Menon): (a) and (c). It is a fact that 15 petrol tanks for Daimler Armoured Cars were locally purchased in early 1959 by 505 Army Base Workshop at the rate of Rs. 150 per tank. These tanks were purchased as these were not available from Ordnance and were urgently required to progress repair of the vehicles. These tanks were utilised for the overhaul of Daimler Armoured Cars under repair in the Workshops. It is not correct to say that these very tanks were sent to salvage as unserviceable after sometime. There is no possibility of these tanks becoming unserviceable after a short period. The old petrol tanks which were removed from the vehicles at the time of overhaul were sent to salvage for disposal in the normal manner. The question of any wastage on this account does not, therefore, arise.

(b) It was not possible to manufacture these petrol tanks in the workshops as suitable material and capacity were not available immediately. The tanks were required urgently to avoid hold up on the Workshop floor.

Works Committees in 505 Army Base Workshop, Delhi Cantt.

3960. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that the present works committees of 505 Army Base Workshop, Delhi Cantt. has over-lived for about 18 months beyond its nomal term of two years as defined in rule No. 52 of Industrial Disputes Act, 1947; and

(b) if so, why the elections have been delayed for such a long period?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) Arrangements were made for holding elections for a new Works Committee on the 6th April, 1961, but in a suit filed by two Trade Unions, the Court has issued an interim injunction restraining the Commandant from holding elections. As the suit is pending and as the question of delay in holding elections is likely to be an issue in the suit, the information cannot be disclosed.

Pay Commission's Recommendations On Conduct Rules

3961. Shri S. M. Banerjee: Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have considered the recommendations of the Pay Commission on Conduct Rules as contained in Chapter XLVIII—para 4;

(b) if so, the reaction of Government; and

(c) whether Government propose to amend the present rules?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). A final decision has not yet been taken.

Right of Association of Government Employees

3962. **Shri S. M. Banerjee:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have considered the recommendation of Pay Commission on the rights of association as contained in Chapter XLIX, paras 1—13;

(b) if so, the reaction of Government;

(c) whether this recommendation has been accepted in principle; and

(d) whether a final decision has since been taken?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (d). A final decision has not yet been taken.

Annual Reports of Director of Public Instruction, Orissa

3963. **Shri Kumbhar:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact htat the Annual Report of the Director of Public Instruction (Education), Orissa State for 1948-49, has been published recently after a lapse of twelve years;

(b) whether the Annual Reports for the remaining years have been published;

(c) if not, the reasons for such long delay; and

(d) the steps being taken in the matter?

The Minister of Education (Dr. K. L. Shrimali): (a) to (d). The information is being collected and will be laid on the Table of Lok Sabha in due course.

अमझेरा ग्राम (मध्य प्रदेश) में बख्तारा सिंह का महल

३९६४. **श्री अमर सिंह डामर :** क्या वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मन्त्री यह बताने की कृपा करेंगे कि मध्य-प्रदेश के धार जिले के अमझेरा ग्राम के भूतपूर्व शासक राजा बख्तारा सिंह जी, जो कि १८५७ में अंग्रेजों द्वारा मारे गये थे, उनके महल को क्या राष्ट्रीय स्मारक घोषित करने का सरकार का कोई प्रस्ताव है ?

वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री (डा० म० मो० दास): जी नहीं।

Theft in C.O.D., Delhi Cantt.

3965. **Shri S. M. Banerjee:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that ball-bearing worth Rs. 10,000 were stolen from the Salvage Section of C.O.D., Delhi Cantt;

(b) if so, when;

(c) whether the matter was handed over to the police;

(d) if so, the number of men arrested;

(e) whether departmental inquiry was conducted; and

(f) if so, the result of such inquiry?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir. Defiiciency of ball bearings valued at Rs. 10,877.50 was discovered in the Salvage Section of C.O.D., Delhi Cantt.

(b) In May 1960.

(c) The case was handed over to the Special Police Establishment.

(d) No one was arrested.

(e) Yes, Sir. Departmental court of inquiry was held.

(f) The court held the storeman concerned responsible for the loss. He was accordingly suspended and the case was handed over to the Special Police Establishment.

505 Army Base Workshop, Delhi Cantt.

3966. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) whether the Unit Production Committee has been functioning for the last 4 years in 505 Army Base Workshop, Delhi Cantt;

(b) if so, how many meetings of this Committee were held during the last four years; and

(c) how many suggestions were put forward by the workers' representatives and out of these how many were implemented by the Workshop authorities?

The Minister of Defence (Shri Krishna Menon): (a) The Production Committee in 505 Army Base Workshop, Delhi Cantt., has been functioning smoothly since February, 1955 except during the period January 1957 to July, 1958.

(b) 38.

(c) 98 sugestions were put forward of which 93 have been since implemented. On the remaining suggestions action is being taken.

Crimes in Manipur

3968. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state the number of cases of rape, kidnapping, dacoity, murder, loot, stabbing, theft, arson and rioting, which were reported in Manipur during the last two financial years?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The annual crime statistics are maintained for calendar years. The figures for the years 1959 and 1960 are given below:—

	1959	1960
Rape . .	4	3
Kidnapping .	77	92
Dacoity . .	42	77
Murder . .	14	31
Loot . .	5	23
Stabbing .	1	2
Theft .	418	502
Arson .	16	62
Rioting .	37	144

Utilisation of Allocations by Manipur Administration

3969. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether some Departments under the Manipur Administration failed to utilise all the sums allotted to them for the financial year 1960-61 and the Second Plan period; and

(b) if so, sums surrendered by those Departments during the financial year 1960-61 and the Plan period separately?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) Two statements showing the sums surrendered by the Departments concerned for the financial year 1960-61 and for the Second Five Year Plan are placed on the Table. [*See* Appendix VI, annexure No. 16]. The figures in the statements are departmental figures.

Tours by High Officials of Manipur

3970. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the high officials of the Manipur Administration have toured any of the headquarters of the hill sub-divisions in Manipur where the jeeps cannot go; and

(b) the number of tours made by the Chief Commissioner, District Magistrate and Additional Superintendent of Police, respectively during the last two financial years?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). Information is being collected and will be laid on the Table.

Copper Carbonate deposits in Jabalpur and Bastar

3971. Shrimati Maimoona Sultan: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether rich deposits of copper carbonate (Malachite) have been detected in Jabalpur and Bastar areas of Madhya Pradesh;

(b) if so, what is the estimate of the reserves there;

(c) whether there is ascheme for the exploitation of these deposits under the Third Five Year Plan; and

(d) if so, what are the outlines of the scheme?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) No, Sir. However, drilling is in progress in the Mundatikra area of Bastar District.

(b) Does not arise.

(c) and (d). No. It is not possible to draw up a scheme for exploitation unless adequate and economically viable reserves are established first.

Foreign Exchange for 1961-62

3973. Shri P. C. Borooah:
Shri D. C. Sharma:

Will the Minister of **Finance** be pleased to state:

(a) whether the foreign exchange needs for 1961-62 have been worked out finally;

(b) if so, at what figure does it stand; and

(c) how much of it will be met by exports?

The Minister of Finance (Shri Morarji Desai): (a) to (c). I regret to say that a reply to the question cannot be given on ground of public interest.

गृह-कार्य मंत्रालय द्वारा ली जाने वाली हिन्दी परीक्षायें

३९७४. **श्री प्रकाशवीर शास्त्री :**
श्री अर्जुन सिंह भदौरिया :
श्री ब्रजराज सिंह :

क्या गृह-कार्य मन्त्री यह बताने की कृपा करेंगे कि :

(क) गृह-कार्य मन्त्रालय द्वारा संचालित हिन्दी कक्षाओं में जो विद्यार्थी हिन्दी सीख रहे हैं क्या उनको हिन्दी परीक्षाओं में सफल होने पर प्रमाण-पत्र हिन्दी में दिये जाते हैं; और

(ख) यदि उपरोक्त भाग (क) का उत्तर नकारात्मक हो, तो ये प्रमाण-पत्र हिन्दी में देने की व्यवस्था कब की जायेगी?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री दातार) : (क) जी हां।

(ख) प्रश्न ही नहीं उठता।

Regional Engineering College in Kerala

3975. Shri Kunhan:
Shri T. B. Vittal Rao:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether the location for the Regional Engineering College in Kerala has since been decided;

(b) if so, where it is to be located; and

(c) when the College will be opened for admission of students?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). The State Government have accepted Kozikode for the location of the College.

(c) The College will start functioning after the detailed scheme has been sanctioned and the necessary facilities have been organised.

Firing in Kumbi in Manipur

3976. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that one man was killed in a Forest Reserve at Kumbi in Manipur as a result of Police firing; and

(b) if so, the details of the incident and circumstances under which police resorted to firing?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). Yes. On the 1st April 1961, a police party consisting of an Assistant Sub-Inspector and three Constables went to investigate a complaint in repard to the illegal cutting of trees in Kumbi Tera Mahal in Police Station Bishenpur. On their arrival at the scene they found about 16 persons cutting trees. When asked to stop this they attacked the police party with axes and daos injuring the Assistant Sub-Inspector. The police fired four rounds in self defence as a result of which one person died.

Village Authorities Elections in Manipur

3977. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the second Village Authorities election under the provisions of the Manipur Hill Authorities in Hill Areas Act, 1956 will be held between the 10th April and 15th May, 1961; and

(b) if so, the measures taken to ensure peaceful elections in view of the present disturbed conditions in the hills of Manipur?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The elections to the Village Authorities under the Manipur (Village Authorities in Hill Areas) Act, 1956, which started on the 10th April have been proceeding peacefully. Adequate measures have been taken to ensure that they are completed without any disturbance.

Promulgation of Section 144 in Manipur Hill Areas

3978. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Section 144 of the Cr. P.C. has been promulgated in all the Hill areas of Manipur by the District Magistrates; and

(b) if so, the places in which the order under Section 144 has been in force and the period for which it will be in force?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) No.

(b) An order under section 144 Cr. P.C. applicable to the Tamenglong and Ukhrul Sub-divisions and Mao-Maram and Sadar Hill circles was promulgated by the District Magistrate, Manipur, for a period of two months with effect from the 28th February, 1961.

Pay-Scales of Teachers of Delhi, Banaras and Aligarh Universities

3979. Shri Ram Garib: Will the Minister of **Education** be pleased to state:

(a) what will be the mode of fixation of pay of the Lecturers, Readers and Professors of the Delhi, Banaras and Aligarh Universities who have rendered previous service, consequent on the revision of the pay-scales with effect from the 1st April, 1961;

(b) whether they will be entitled to point-to-point fixation of pay in the revised scale; and

(c) if not, what are the reasons therefor?

The Minister of Education (Dr. K. L. Shrimali): (a) The pay of the teachers will be fixed in the revised pay scales at the next higher stage after taking into account the present total emoluments, *i.e.* pay plus dearness allowance.

(b) No, Sir.

(c) Revision of pay scales of the teachers has not been done on an analogy with the recommendations of the Pay Commission, and therefore, point-to-point fixing of pay does not arise.

CORRECTION OF ANSWER TO U.S.Q. No. 2437 DATED 28-3-61

The Deputy Minister of Defence (Shri Raghuramaiah): In reply to part (c) of Unstarred Question No. 2437 for 28th March 1961 by Shri Muhammed Elias|Shri S. M. Banerjee, regarding Employees of I.A.F. Station Chakeri, I had *inter alia* stated as under:—

> "The appeals were incomplete in certain respects and were returned to the individuals for resubmission. The revised appeals have since been received and are under examination."

2. The portion of the answer reproduced above needs revision. The correct version should read as follows:

> "the apeals had to be examined in detail and considered exhaustively by the Air Force authorities at the Unit level; subsequently, these appeals were referred to the appellate authority at the Command level and the under examination."

12·02 hrs.

MOTION FOR ADJOURNMENT

ALLEGED PREVENTION OF REPRESENTATION OF GRIEVANCES BY CERTAIN P&T UNIONS

Mr. Speaker: I have received a notice of an adjournment motion from Shri Rajinder Singh and others which reads as follows:

> "Serious situation arising out of the latest instructions from the D.G.P. & T. preventing the staff and the Union from representing their grievances even informally and thus contravening the right of representation both individually and collectively especially in the absence of any machinery and delay in the introduction of the Bill governing Trade Union relations in Central Services."

There cannot be any adjournment motion relating to the delay in the introduction of the Bill governing trade union relations in Central Services.

So far as the other thing is concerned, have any such instructions been issued preventing the staff from representing their grienvances even informally thus preventing their right of representation?

Shri Tangamani (Madurai): May I make a submission? On the 21st of this month, the hon. Minister of Labour met at a meeting two representatives of the Unions—Shri Anjaneyalu and Shri Ramamurthy—both employees. Now, subsequently, when the employees wanted to meet in Calcutta, they were told that a certain circular had been received from the DG, P&T. The newspaper report says that the Labour Minister discussed with these two employees the question of expediting the recognition and the introduction of Whitely Councils. I would like to know whether the circular which was sent or supposed to have been sent was after the 21st, in which case there appears to be a change of policy. I would like to know from the hon. Labour Minister what his attitude to the negotiating machinery of these employees is because more than ten months have passed without any suitable machinery at any level.

Mr. Speaker: That is not the subject of the adjournment motion.

Shri Tyagi (Dehra Dun): Is it a communist trade union?

Shri Rajendra Singh (Chapra): No, Sir.

Shri S. A. Dange (Bombay City—Central): This is preventing the employees from ventilating their grienvances even to the officers; it is carried on to such an extent that a circular has now been issued by the DG to the lower officers that if any news appeared even in a newspaper about the grievance, the editors should be visited by these officers and asked to divulge as to who wrote the letter and if the editor shows unwillingness then it should be brought to his attention that it is not in the interest of

[Shri S. A. Dange]

healthy journalism to decline to do so. A witchhunt about the expression of discontent of employees is going on to a very serious extent because if editors are also going to be followed like this, what will be the position? If the open expression of certain grievances which the officers are not willing to take notice of appears in the Press, and if they are sought to be prevented, this would be may I call it, Sir—MacCarthysm in India. And if discontent will not be openly ventilated; it will go underground. Will the hon. Minister look into this and not pursue the employee for a thing that has appeared in the Press? That is apart from the question whether informal discussions with officials are going to be prevented.

Mr. Speaker: I have got very great respect for the words of the hon. Leader of the Communist Group. I am to dispose of the adjournment motion. On what authority does h say that this kind of witch-hunting is going on?

Shri S. A. Dange: I have got a copy of the circular issued by the DG. It is No. 10-1/60-SR dated at New Delhi the 17th April, 1961 from the Office of the Director General, P&T, New Delhi to all heads of circles and all administrative officers, etc. The subject is "Publication of objectionable news and letters by Union Members and other Employees in the Press". It says, *inter alia*:

> "If action is contemplated it may also be seen if efforts may be made to induce the editor to preserve the relevant papers in his office so that authorship may be proved. If some Editor does not like to comply with the request, it may be tactfully explained to the editor that his paper may also be interested to ensure that a person who sent matters for publicity does not disown authorship."

If tactful explanations come from the Government officers, we know what it means.

The Minister of Transport and Communications (Dr. P. Subbarayan): Sir, this is a matter which concerns me. As a matter of fact these unions were derecognised. The hon. gentleman was ascertaining that they were not communist controlled. As far as we are aware, they are completely communist controlled and . . .

Shri Rajendra Singh: That is not the point at issue.

Mr. Speaker: He is only answering the points raised.

Shri S. A. Dange: Shri Ramamurthy is one of the responsible officers of the federation; he has nothing to do with communism; in fact he may even be anti-communist.

Dr. P. Subbarayan: You may assert so: I do not accept that.

Mr. Speaker: Let them belong to the communist group or the non-communist group. The main point here is: have any instructions been issued by the DG, P&T, preventing any member of the staff from having access to any of the authorities for legitimately representing his grievance? That is the only point. I do not know whether any action may be taken independently; that is another matter altogether. No employee should normallly be prevented from ventilating his grievances in the proper manner before the parties from whom he can seek redress. That is the point here.

Dr. P. Subbarayan: That has not been taken away at all. What we say is this. They cannot come as representatives of the federation concerned. If there are individual grievances, our officers are willing to listen to what is said and also try to find out a remedy for it.

Shri Nath Pai (Rajapur): Mr. Speaker, it is very regrettable that we are being confronted with a situation like this. On the one hand, we were assured that the Government were opening negotiations with people who are the recognised leaders of the unions with a view to ascertaining their views on the proposed legislation which will be recasting the basis of recognition of the unions: These negotiations were being held last week and the indications pointed out that the negotiations were satisfactory. In the meanwhile, we get this bombshell and the Deputy Director General takes it upon himself to make it clear that these negotiations are meaningless and these negotiations are with individuals only. It is an extraordinary situation. On the one hand, we get an assurance from responsible Cabinet Ministers; they say that they want to know their views; they want their co-operation and help so that the legislation may be got through.

On the other hand, there is a very senior official who is presumably a responsible officer, who issued the instructions which are contrary and negative. Who makes the policy in this department? Is it the Ministry or the Cabinet or is it formulated by mere civil servants? If the talks are to be treated with seriousness, we must know this. What is happening is this. At a certain stage, you have also told us, "Let us not bring such matters here". You have told us more than once. But you have also told us: "If there is any such thing"—that is, if there is any matter like the present one—"let it be brought to me". We must know whether the negotiations conducted by the Cabinet Minister with a view to bringing about a reconciliation between the trade union movement and the Government employees are on a sound basis, are genuinely meant and honestly meant, and whether they want to see that these negotiations come to a successful fruition, or whether they take it that it is something different, to talk and it is something different in regard to taking action and so on. We should like to know what is the position. Therefore, it becomes a very serious matter.

Dr. P. Subbarayan: I am grateful to the hon. Member for his long speech. As a matter of fact, naturally he is concerned with it. I can understand it. But all that is done is, individual members can make any complaint they like, but not as a union. We will not recognise them as representatives of any union which has been de-recognised. That is all there is in it. There is no difference between the Government and the public servants.

Several Hon. Members *rose*—

Mr. Speaker: Dr. Melkote.

Dr. Melkote (Raichur): My own experience has been of a different type altogether. Here is a member of a union recently formed which has not participated in the strike and which has not been derecognised, but which is not permitted interviews by the officers, whereas members of a derecognised union who participated in the general strike are being permitted to interview the officers. It needs 15 per cent of membership for any Federation to get recognition. But before that, every union, within six months of its formation and before recognition, has a right to represent matters to the employer, It has a constitutional right which is being denied.

This is a matter for the hon. Minister of Transport and Communications to deal with.

Dr. P. Subbarayan: That is the other side of the question. As there are no unions in existence and till some union is recognised, we are treating them both alike. Only the employees who are concerned will be recognised and be given interviews; not as representatives of any union.

Shri Rajendra Singh: I can say that this is not a question (*Interruptions*)—I am not a Communist—

Mr. Speaker: Order, order.

Shri Rajendra Singh: The question is not one which is, so to say, Communist and anti-Communist. The question is one which concerns the fundamental right of trade unions and trade union activities in this country. There is nothing on the statute nor is there any rule to the effect that if a strike is resorted to by a union, that union will be automatically derecognised. But for the last ten months, we are suffering because of the derecognition. Even the informal channels which are open to us to negotiate and settle the disputes have been denied to us. This is one aspect.

The worst of it is this: firstly, the people who are aggrieved, for some reason or other, have a right to go to the press and ventilate their grievances in any manner they like, provided it is legal. The ventilation of grienvances in the newspapers, to my mind and I hope you will also agree is perfectly legal and legitimate. Therefore, if an employee goes to the press, then, does it lie in the mouth of the Ministry or any of the civil authority to say that they would not be persuaded to allow the grievances of the employees to be printed in the newspapers? Are we functioning as a democratic State or as a State which our Communist friends would like to have in this country?

Some Hon. Members *rose*—

Mr. Speaker: Order, order. I have allowed the leader of the group to state the facts. I cannot go on calling every hon. Member. I have heard sufficiently about this matter. The simple point here is this. There are two matters: prevention of representation of legitimate grievances by the staff and prevention of the unions from representing grievances. So far as the staff is concerned, the hon. Minister has just said that the instructions do not contain any prohibition or do not ban any individual member of the staff from making representations to the legitimate authorities. So far as the union is concerned, I have got a copy of the order or instruction issued. A copy has been sent to me by Shri Braj Raj Singh. I find, as the hon. Minister said, that there cannot be any question of any informal discussion with anyone who is supposed to represent a derecognised union. Of course, any recognised union has got a right to meet the officers or the executive, and it has got a right—they can claim it as a matter of right—to make representations.

The other question is, when a union has been derecognised, whether it ought to be re-recognised or not. Until it is re-recognised there is no union on behalf of which any person can come and make a representation. Therefore, individually, one can make a representation. So far as that aspect is concerned, that right has not been taken away. The right of any officer or any employee to make representations to a senior officer or other officers under whom he works and who can remove or redress the grievances, has not been taken away. Shri Dange has read out the other portion of the letter which has been cut off from the copy that has been sent to me, and that is about persons going to the newspapers to the editors and others, and about the request made to the newspapers to see that such approaches are not made and so on. But that does not form the subject-matter of the Adjournment Motion. I do not know how far, instead of making a direct representation—which channel is always open—it is open to an employee to rush to the press and ventilate the grievances. That is not the subject-matter of the Adjournment Motion. I cannot decide off-hand whether any person has got such a right or whether any violation of the right can be brought up here, for the purpose of redress, by way of an Adjournment Motion. I do not want to commit myself one way or the other so far as that matter is concerned. Whether

anybody can go to the press, when it is open to him to make representations directly, is another matter which does not arise from this Adjournment Motion.

So far as the staff is concerned, it is still permissible, under the instructions, for any employee to make repreentations to his superior or senior officers. So far as the union is concerned, those unions wrhich have been recognised are still recognised. The staff can go, on behalf of the union, and make representations. So far as the derecognised unions are concerned, I cannot allow the Adjournment Motion. So long as they are not recognised, there is no union on whose behalf anybody can speak to the authorities. I disallow the Adjournment Motion.

Shri Nath Pai: Sir, your ruling is very correct, but I may submit in all humility, one point which is very urgent. A circular like that is undermining the negotiations which are being held by casting a grave doubt about the authenticity. We are interested in the success of those negotiations. We want to collaborate in order to see that those negotiations come to a successful end. But here is an authority of the Government which casts a grave doubt, and if I may be permitted to use the word, this is, perhaps unwittingly, an effort to sabotage those negotiations. We are interested in seeing that the negotiations towards a settlement succeed.

Mr. Speaker: He is reading too much into it.

Dr. P. Subbarayan: I can even inform the hon. Member that I have received the very Shri Ramamurthi, of whom Dange talked, and also Shri Anjaneyulu, but in their individual capacity and not as members of the federation.

Shri S. A. Dange: May I point out that in the very circular which, Sir, you have got, and about which the Minister says that an employee has the right to approach and negotiate, it is said that the Directorate did have talks with them but they had a talk with them as "private citizens" and not even as employees. One or two interviews were granted to some persons "in the capacity of private citizens and no minutes of the discussion have been recorded." It is so clear. So, where is the contradiction?

Mr. Speaker: It is a loose expression. (*Interruption*). Order, order. A private citizen, as opposed to one who comes in the capacity of the representative of a union—that is all

Shri Indrajit Gupta: (Calcutta—South West) If an employee happens to be an officer of a derecognised he can also come in.

Dr. P. Subbarayan: A private citizen can also be an employee.

Mr. Speaker: As an employee, he can go and talk to the authorities. It is clear. If there should be a doubt even about that aspect, I should allow the Adjournment Motion. But, as I understand from the hon. Minister's statement and also from my reading of the order, it is clear that whoever might be a member of the staff, whether he belongs to any party or no party, he can take individual action. I do not know whether any particular person who is an employee can be an active member of any political party. It is for the hon. Minister to consider. It is not for me to dispose of that point.

I am only concerned with this point: there is absolutely no ban against any person who is in the employ of the Government, whether in the P&T or any other department, approaching the head of the department or other officers to whom normally they look for redressing the grievances in their capacity as employees. The private capacity here does not take away the capacity as an employee. Every man in the street cannot go to the Director-General of the Posts and Tele-

[Mr. Speaker]

graps and ask him for restoration of employment. That only means, private as opposed to being associated with a union. So far as drecognised unions are concerned, it is a matter for the hon. Minister and the hon. Members or any person who was the head or who was attached to the union to discuss. The P & T Director-General is not going to prevent the hon. Minister from talking to them, whatever might be the orders. So far as the derecognised unions as such are concerned, the person has no right by himself to represent the union.

I thus dispose of the adjournment motion. No consent is necessary.

12.22 hrs.

CALLNG ATTENTON TO MATTER OF URGENT PUBLIC IMPORTANCE

DISCHARGE OF PRIMARY TEACHERS IN ORISSA

Shri Chintamoni Panigrahi (Puri): Under Rule 197, I beg to call the attention of the Minister of Education to the following matter of urgent public importance and I request that he may make a statement thereon:

> "The discharge of about 300 primary teachers in the Puri district of Orissa".

The Minister of Education (Dr. K. L. Shrimali): According to information received from the State Government the facts of the case are as follows:—

For the year 1960-61 3,500 posts of primary school teachers in all were sanctioned by the State Government under the second plan scheme for opening new schools and for appointment of additional teachers in the existing primary schools throughout the State. Out of total number of 3,500 posts, the allotment to Puri District came to 352 posts. Out of this number the District Board, Puri were allotted 117 posts, 11 of which were for new schools to be opened in 1960-61, 8 for appointment as additional teachers in old schools opened under plan schemes and 98 for appointment as additional teachers in old school existing before the plan period. As against this allotment, the District Board authority appointed 224 teachers inspite of the advice given by the Director of Public Instruction that they should not appoint more than the teachers allotted to them. In appointing the teachers the Special officer, District Board, took his stand on certain provision of the Local Government Act which empower the District Boards to appoint teachers for schools directly managed by the District Boards. But the appointments of teachers in dispute were made in stipendiary schools which are institutions aided by the Government and not in schools directly managed by District Boards and were, therefore, irregular.

The appointment of teachers by the District Board was thus contrary to the pattern prescribed by the State Government for appointing teachers in the new institutions and additional teachers in old institutions. The selection of teachers was also irregular and not carried out according to the existing Government procedure of selecting teachers through the Selection Committee.

When the District Board Schools came under the State Education Department as a result of abolition of District Boards, unauthorised appointments of 224 teachers were cancelled under the direction of Director of Public Instruction and instead, 98 teachers recommended by the Selection Committee were ordered to be appointed.

However, the Selection Committee would be free to consider any of the teachers whose appointment orders have been cancelled for appointment in the year 1961-62 if they are found suitable.

Dr. Samantsinhar (Bhubaneshwar): May I know for how long the teachers were in the service of the district board schools?

Dr. K. L. Srimali: I do not have with me the date when they were appointed and when they were discharged by the State Government. They were discharged by the State Government as soon as the district boards came under their control.

Shri Chintamoni Panigrahi: The Federation of Primary Teachers has made representations to the Director of Public Instruction in Orissa and I think they have also sent letters to the Minister of Education, Government of India. May I request the hon. Minister to consider their case, because the Director of Public Instruction has assured them that they would be re-instated?

Dr. K. L. Shrimali: In the statement, it has already been said that the selection committee will consoider these cases sympathetically. There is going to be such a great expansion in education in Orissa and I do not see any reason why these teachers, if they are qualified, should not be re-employed.

12·24 hrs.

PAPERS LAID ON THE TABLE

STATEMENT RE: PENETRATION BY PAKISTANI AIRCRAFT INTO INDIAN TERRITORY

The Parliamentary Secretary to the Minister of Defence (Shri Fatesinhrao Gaekwad): On behalf of Shri Krishna Menon, I beg to lay on the Table a Statement regarding penetration by Pakistani aircraft into Indian territory, in implementation of an assurance given during supplementaries to Starred Question No. 1482 on the 13th April, 1961 [*Placed in Library, See* No. LT-2891/61].

NOTIFICATIONS UNDER ORISSA ZILLA PARISHAD ACT, 1959 AND ALL INDIA SERVICES ACT, 1951

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table—

(i) A copy each of the following Notifications, issued by the Government of Orissa, under sub-section (3) of Section 57 of the Orissa Zilla Parishad Act, 1959 read with clause (c) (iv) of the Proclamation dated the 25th February, 1961 issued by the President in relation to the State of Orissa:—

(a) Notification No. 17066 published in the Orissa Gazette dated the 3rd December, 1960 containing the Orissa Zilla Parishad (Conduct of Election, Election Disputes and Decision about Disqualification of Members) Rules, 1960. [*Placed in Library. See* No. LT-2892 (61).

(b) Notification No. 43-ZP. published in the Orissa Gazette dated the 7th January, 1961 making certain amendments to the Orissa Zilla Parishad (Conduct of Elections, Election Disputes and Decision about Disqualifications of Members) Rules, 1960. [*Placed in Library. See* No. LT-2893/61]

(c) Notification No. 480-Z.P. published in the Orissa Gazette dated the 28th January, 1961 making certain amendments to the Orissa Zilla Parishad (Conduct of Elections, Election Disputes and Decision about Disqualification of Members) Rules, 1960. [*Placed in Library See* No. LT-2894/61]

(d) Notification No. 243-I-Spl.-84/60-Z.P. published in the Orissa Gazette dated the 18th January, 1961 containg the Orissa Zilla Parishad (Conduct of Business) Rules, 1960. [*Placed in Library. See* No. LT-2895/61]

(ii) A copy of Notification No. G.S.R. 418 dated the 1st April, 1961 making certain amendments to Schedule III to the Indian Administrative Service (Pay) Rules, 1954, under sub-section (2) of Section 3 of the All India Services Act, 1951 [*Placed in Library, See* No. 2896/61]

NOTIFICATIONS UNDER SEA CUSTOMS ACT, 1878 AND BANKING COMPANIES ACT, 1949

The Deputy Minister of Finance (Shri B. R. Bhagat): I beg to lay on the Table—

(i) A copy each of the following Notifications under sub-section (4) of Section 43B of the Sea Customs Act, 1878:—

(a) G.S.R. 520 dated the 15th April, 1961.

(b) G.S.R. 521 dated the 15th April, 1961.

(c) G.S.R. 522 dated the 15th April, 1961.

(d) G.S.R. 523 dated the 15th April, 1961.

[*Placed in Library. See* No. LT-2897/61]

(ii) A copy of Scheme for the reconstruction of the Bank of Kerala Limited and its amalgamation with the Canara Bank Limited, published in Notification No. S.O. 858 dated the 15th April, 1961, under sub-section (11) of Section 45 of the Banking Companies Act, 1949. [*Placed in Library. See* No. LT-2898/61]

12·26 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

EIGHTY-FOURTH REPORT

Sardar Hukam Singh (Bhatinda): I beg to present the Eighty-fourth Report of the Committee on Private Members' Bills and Resolutions.

ELECTION TO COMMITTEES

GOVERNING COUNCIL OF INDIAN SCHOOL OF MINES

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): I beg to move the following:

"That in pursuance of paragraphs 4 and 5 of the Ministry of Steel, Mines and Fuel Resolution No. 315 (1)/57III, dated the 4th May, 1957, as amended from time to time, the members of Lok Sabha do proceed to elect in such manner as the Speaker may direct, one member from among themselves to serve as a member of the Governing Council of the Indian School of Mines, Dhanbad".

Mr. Speaker: The question is:

"That in pursuance of paragraphs 4 and 5 of the Ministry of Steel, Mines and Fuel Resolution No. 315 (1)/57III, dated the 4th May, 1957, as amended from time to time, the members of Lok Sabha do proceed to elect in such manner as the Speaker may direct, one member from among themselves to serve as a member of the Governing Council of the Indian School of Mines, Dhanbad".

The motion was adopted.

ADVISORY BOARD FOR NATIONAL ATLAS AND GEOGRAPHIC NAMES

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): I beg to move:

"That in pursuance of paragraph 1(20) of the Ministry of Scientific Research and Cultural Affairs Resolution No. F. 15-226/60- SII, dated the 23rd March, 1961, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Advisory Board for National Atlas and Geographic names for the term commending from the date of notification in the Official Gazette, subject to the other provisions of the said Resolution."

Mr. Speaker: The question is:

"That in pursuance of paragraph 1(20) of the Ministry of Scientific Research and Cultural Affairs Resolution No. F. 15-226/60- SII,

dated the 23rd March, 1961, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Advisory Board for National Atlas and Geographic names for the term commending from the date of notification in the Official Gazette, subject to the other provisions of the said Resolution."

The motion was adopted.

12·28 hrs.

ORISSA DEMANDS FOR GRANTS, 1961-62—*Contd.*

Mr. Speaker: The House will now take up further discussion and voting on the Demands for Grants in respect of the State of Orissa for 1961-62. 1 hour and 20 minutes remain. Shri B. R. Bhagat may continue his speech.

12.29 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The Deputy Minister of Finance (Shri B. R. Bhagat): Yesterday, when I rose to reply, I was asked to continue to-day as the House had to take up some other business. One of the points mentioned yesterady by Shri Panigrahi has been the subject-matter of a calling attention notice by him, *viz.*, the question of the discharge of 300 primary teachers. As the Education Minister has explained it and the hon. Member also seems satisfied, I need not refer to it in my reply.

A point was raised by the same hon. Member, which gave the impression as if all the money earmarked for the Plan is being eaten up by the non-plan expenditure and he gave the figure of Rs. 17 crores as the amount for the expenditure on police, jails, pay of officers, establishment, district administration, etc., out of the total plan outlay of Rs. 25 crores for the first year of the third Five Year Plan. It is true that these items which are popularly known as the non-plan items account for this expenditure. But the hon. Member has made a mistake. It is not part of this Rs. 25 crores.

It is a part of the annual budget, which is about Rs. 93 crores. This Rs. 25 crores represents purely the development expenditure in the first year of the Third Five Year Plan, and it will be spent on such developmental purposes as irrigation, power, agriculture, co-operation, industries and education. So this is only a mis-conception and not a fact.

For the information of this hon. House I may say that the total percentage of expenditure on civil administration—on police, jails and other things—in that State is only 13 per cent to 14 per cent, and this in comparison with other States is not very high. So there is no extraordinary spurt in the non-plan expenditure under these heads.

Then he said about shortage of trained personnel and complained that the third medical college has not been started. It is a fact that there has been shortage of doctors and engineers in that State. But this is the general position of the entire country. Orissa is a little worse; that is true, I accept it, and more should be done there. But the shortage of trained personnel is there all over the country and the more our economy goes into momentum in a particular short period of time, the country is likely to feel this shortage more and more. But that apart, Orissa's case has to be considered. Orissa is one of the backward States, and even in the Third Five Year Plan it is the Government's policy that these depressed areas of the economy in the country have to be levelled up.

So far as his specific point about the medical college is concerned, the position is like this. This admission capacity in the SCB Medical College has been increased from 50 to 150. A also been established at Burla with an admission capacity of 100, and that will be completed by the second year of the Third Plan. It has been decided to

[Shri B. R. Bhagat.]

make provision for the third medical college in the Third Plan itself. It is expected that when the second medical college is completed—that will be done in a year or so—we will take up the third medical college, may be in the third or fourth year of the Third Plan.

Shri Chintamoni Panigrahi (Puri): Too late.

Shri B. R. Bhagat: It would not be too late. We are going through it. By the end of the Third Plan period, therefore, the total admission capacity of the three medical colleges will be 300. As present we are having negotiations with the neighbouring State of West Bengal for deputing 300 doctors to the State of Orissa to fill up the gap in a short period of time. We recognise that the shortage there is acute, and we are trying to augment it both by bringing doctors from outside and increasing training facilities and education on medicine in the State as rapidly as can be done.

The hon. Member said something about the affairs of Utkal University. It is true that there has been some dislocation in the conduct of examination of the university. But, as the House is aware, the University is a corporate body and it is not directly under the day to day control of the the Government. But the matter has since been brought to the notice of Government and action is being taken to set right these difficulties.

He complained about the working of the Bharat Sevak Samaj. I am not in a position to say anything about specific issues, whether somebody is the President and his son is the Secretary in a particular branch in Orissa. Sitting in Delhi, I cannot say anything about that. I can only say that I will bring all these matters which he has raised in connection with Bharat Sevak Samaj to the notice of the central authorities of the Bharat Sevak Samaj. But I want to clarify here one mis-conception that has arisen in his mind, that the accounts of Bharat Sevak Samaj are not audited. It is not true. The Bharat Sevak Samaj have their own internal auditors. In addition to that, whatever projects they undertake, whether it is camps or irrigational projects or educational projects, the accounts in respect of the money that is advanced to it in respect of those projects are strictly audited by the departmental auditors and others under the provision of auditing in that department.

Shri Chintamoni Panigrahi: Has the Government received any such audit report for 1960-61?

Shri B. R. Bhagat: I do not have that information. I do not know. So far as the Bharat Sevak Samaj is concerned, it is a private body, a non-official body. I shall bring these points to the notice of the central authority of the Bharat Sevak Samaj.

He said something about the village police. No supplementary demand was taken for improving the pay scales of village police in the last session. During the current year there is a provision of Rs. 27 lakhs in the Budget towards pay of village police at the rate of Rs. 15 each per month. These chowkidars were getting pay at varying rates in different parts of the State and in ex-State areas they were holding jagir lands. The question has been regularised and the village chowkidars are being paid at the rate of Rs. 15 per month.,

Shri Chintamoni Panigrahi: After this provision of Rs. 27 lakhs, what will be the uniform rate of increased salary for the chowkidars?

Shri B R. Bhagat: There would not any uniform rate, because their pay was different in different areas. Then, there were ex-State areas. Therefore, there would not be any uniform rate, but the scale has been made uniform.

Shri B. K. Gaikwad (Nasik): These inferior servants who are appointed on Rs. 15, are they whole-time or part-time servants? If they are whole-time servants, how is it that they are paid only Rs. 15?

Shri B. R. Bhagat: These chowkidars live in their houses. In addition to this they do other works. They cannot be described as strictly whole-time chowkidars. Chowkidars are nowhere whole-time servants.

Shri B. C. Mullick (Kendrapara-Reserved-Sch. Castes): They work whole-time there.

Shri B. R. Bhagat: But they stay in their houses. The conditions of service are different. Even in post offices . . .

Shri B. K. Gaikwad: What part of the day are they called for work? My information is that they are called for the whole day to discharge their duty in the village.

Mr. Deputy-Speaker: Any part of the day might be called, and they can do their own work when they are not called.

Shri B. R. Bhagat: Sir, I think I should be allowed to continue. If there are any questions I will answer them at the end. Even in respect of the extra departmental village postmen who work in the villages, their pay scale is much less than the pay scale which ordinary postmen get in the town. That is because the conditions of service are different. They can live in their own houses, work in the village and attend to their other personal work also. So in the matter of pay fixation all these considerations are taken into account. If the hon. Member means that they should be made full-time workers and their salaries should be raised, well, that can be considered separately when the economy of the country, when the wealth of the country rises and a higher pay scale given. But that will take some time.

He raised the question of mofussil hospitals and dispensaries. He said that while there is a provision of Rs. 56 lahs towards pay of officers, allowances and contingencies, there is only a provision of about Rs. 7000—Rs. 6,900 to be exact—for medicines and clinicals. It is not correct. The sum of Rs. 56 lakhs as indicated by the hon. Member includes Rs. 27 lakhs only as pay and allowances of the staff and the rest for medicines, instruments, equipments, diet etc. For medicines alone the provision is about Rs. 16 lakhs, and not Rs. 6,900.

Similarly, he referred to the Public Funds Utilisation Enquiry Committee. He said that the report has been shelved. This is not a fact. It is not a fact that Government have not implemented the recommendations of the Public Funds Utilisation Enquiry Committee. The Committee reported in respect of 838 projects. Enquiries have been completed and action taken in 402. Action is being taken against 54 gazetted officers and 75 non-gazetted officers. The report of the Committee cannot be published as it contains certain allegations which are to be examined by Government and after examination whenever there is any case against the person concerned he is being proceeded against. It was not proper to publish the report particularly as it contains allegations which are not verified. The officer has to be given time. He has to give his explanations, and it is only after all this that action is taken. Only at that stage you can consider the question of publication. It is not true to say that Government have not taken action. Government have taken action and they are vigorously proceeding in the matter.

Shri Chintamoni Panigrahi: When are they going to publish it?

Mr. Deputy-Speaker: When all these things are over.

Shri B. R. Bhagat: It is not our intention to hide it. But when allegations have been made against some officers, until they are charge-sheeted, their replies have been received and a personal hearing has been given to them, it would not be proper to publish it at this stage. When action has been taken against those who have been found guilty, certainly we can publish it. There is no difficulty.

Then he made a complaint there is top heavy administration in the Board of Revenue in Orissa. In the Board of Revenue there is only one member now as against three members previously. So, I do not know how it can be called more top-heavy than what it was before. Now further work has been proposed by the Land Reforms Committee under the Land Reforms Act. No additional member has been given. A special officer is working on this. The Member, Board of Revenue, is supervising the normal settlement work. As usual, there is the Director of Land Records who works under the Board of Revenue. There is an Excise Commissioner separately as usual. The Board of Revenue is no dealing with zamindari abolition. Rs. 6 crores has to be paid as compensation to zamindars and intermediaries. The work allotted to the Board of Revenue is on the increase. Also, the strength of staff at the top level has come down. So, at least in this case, the charge of top-heavy administration is not borne out by facts.

Then he referred to the affairs of the Cuttack Medical College. This is being looked into. Auditors have been deputed to audit the accounts and the affairs of the hospital are under examination.

Then, about the Grow More Food Schemes, he said that the Government of India have written off the loans that are to be realised from the Kisans. Similarly, in another context, he said that the loans granted for irrigation projects have also been written off. The Government of India have done no such thing and they are not going to do any such thing. In respect of river valley scheme loans also, we have not written them off. The Grow More Food scheme loans also have not been written off. Certainly, the loans will be realised by the State Government if they want to pay back, and they will certainly pay back.

Shri Chintamoni Panigrahi: After 13 years?

Mr. Deputy-Speaker: There is no bar.

Shri B. R. Bhagat: There is no difficulty in that. If they have not paid so far, they will pay later on. Sometimes, because of drought or difficult conditions of some areas, there may be postponement or moratorium in payment. But that does not mean that because a number of years have elapsed, so the loans have to be written off. They have to be paid to us by the State Government and certainly they will have to realise them if they want to pay us back. Otherwise, they will become bankrupt and they will not be able to go on.

Shri Chintamoni Panigrahi: How much did you advance?

Shri B. R. Bhagat: You cannot expect me to have this information at my finger tips.

A reference was made to the emoluments of primary school teachers. The Government of India have laid down the minimum emoluments for untrained primary school teachers and trained primary school teachers. The matter is under examination by the State Primary Education Committee. The non-government primary school school teachers in the State, who are already in service and who will be appointed during the Third Plan will be benefited under this scheme.

Then there is a point about the failure to effect improvement in the salaries of village watchmen. On that I have stated that their salary is Rs. 15. I think these were some of the points which I wanted to answer.

Mr. Deputy-Speaker: Is there any insistence for any particular cut motion?

Shri Chintamoni Panigrahi: I have moved 44 cut motions.

Mr. Deputy-Speaker: Shall I put all of them together?

Shri Chintamoni Panigrahi: Excepting cut motion No. 24, on which I would like to press for a division, all the other cut motions may be put together.

Mr. Deputy-Speaker: Does he want a voice vote?

Shri Chintamoni Panigrahi: I want to insist on a division.

Mr. Deputy-Speaker: All right. I will now put cut motion Nos. 1 to 23 and 25 to 44 to the vote of the House.

The cut motions were put and negatived.

12·47 hrs.

[MR. SPEAKER *in the Chair*]

Mr. Speaker: The question is:

"That the Demand under the head Land Revenue be reduced by Rs. 100 (Failure to fix rent on the rent free-lands of the ex-Rulers and their relations)".

The Lok Sabha divided.

Shri B. R. Bhagat: I could not record my vote. It may be added to the number of 'Noes'.

Mr. Speaker: The result of the division, as indicated on the board, is: 'Ayes' 18, 'Noes' 105. So, 105 plus 1.

सुश्री मणिबेन पटेल (आनन्द) : मैं ने गलती से नो की जगह यस कर दिया था ।

Shri Dasaratha Deb (Tripura): I could not record my vote. My vote is for the 'Ayes'.

Shri Heda (Nizamabad): I have recorded by vote rightly, but instead of doing it from my seat, which is No. 362, I have done it from No. 361.

Mr. Speaker: That correction will be made.

Division No.2] AYES **12·51 hrs.**

Braj Raj Singh, Shri	Gupta Shri Sadhan	Nayar, Shri V. P.
Chandramani Kal, Shri	Jadhav, Shri Yadav Narayan	Panigrahi, Shri Chintamoni
Dasaratha Deb, Shri	Kar, Shri Prabhat	Parvathi Krishnan, Shrimati
Gaikwad, Shri B.K.	Mahagaonkar, Shri	Reddy, Shri Narapa
Ghoshal, Shri Aurobindo	Menon, Shri Narayanankutty	Siva raj, Shri
Gupta, Shri Indrajit	Mullick, Shri B. C.	Tangmani, Shri

NOES

Alva, Shri Joachim	Chuni Lal, Shri	Joshi, Shrimati Subhadra
Arumugam, Shri R.S.	Damani, Shri	Jyotishi, Pandit J.P.
Asthana, Shri Lila Dhar	Das, Dr. M. M.	Kasiram, Shri V.
Babunath Singh, Shri	Dasappa, Shri	Keskar, Dr.
Balmiki, Shri	Dinesh Singh, Shri	Khadilkar, Shri
Bhagat, Shri B.R.	Dube, Shri Mulchand	Khadiwala, Shri
Bhakt Darshan, Shri	Ering, Shri D.	Khan, Shri Sadath Ali
Bhatkar, Shri	Ghosh, Shri N.R.	Kistaiya, Shri
Bhattacharya, Shri C.K.	Guha, Shri A.C.	Krishna, Shri M.R.
Birbal Ringh, Shri	Gupta, Shri Ram Krishan	Krishna Chandra, Shri
Bist, Shri J.B.S.	Hajarnavis, Shri	Laskar, Shri N.C.
Brahm Prakash, Ch.	Heda, Shri	Laxmi Bai, Shrimati
Brajeshwar Prasad Shri	Jain, Shri A.P.	Malhotra, Shri Inder J.
Chandak, Shri	Jhunjhunwala, Shri	Malviya, Shri Motilal
Chandra Shankar, Shri	Joshi, Shri A. C.	Masuriya Din, Shri
Chettiar, Shri Ramanathan		

Matin, Qazi	Raghubir Sahai, Shri	Singh, Shri D.N.
Mehta, Shri J.R.	Raghunath Singh, Shri	Singh, Shti D.P.
Mehta, Shrimati Krishna	Ram Saran, Shri	Singh, Shri M.N.
Melkote, Dr.	Ram Shankar Lal, Shri	Sinha, Shri Jhulan
Mishra, Shri Bibhuti	Ramakrishnan, Shri P.R.	Siva, Dr. Gangadhara
Mishra, Shri R.R.	Ramaswamy, Shri K.S.	Subbarayan, Dr. P.
Morarka, Shri	Rampure, Shri M.	Subramanyam, Shri T.
Murmu, Shri Paika	Rane, Shri	Sugandhi, Shri
Murty, Shri M. S.	Rao, Shri Jaganatha	Sumat Prasad, Shri
Muthukrishnan, Shri	Rao, Shri Thirumala	Swami, Shri V. N.
Narayanasamy, Shri R.	Raut, Shri Bhola	Swaran Singh, Sardar
Nathwani, Shri	Roy, Shri Bishwanath	Thakore, Shri M.B.
Nehru, Shrimati Uma	Sahu, Shri Rameshwar	Thomas, Shri A.M.
Pandey, Shri K.N.	Samanta, Shri S.C.	Tiwari, Pandit Babu Lal
Patel, Sushri Maniben	Samantsinhar, Dr.	Tiwari, Pandit D.N.
Patel, Shri N.N.	Shankaraiya, Shri	Tyagi, Shri
Patel, Shri P.R.	Shastri, Shri Lal Bahadur	Uike, Shri
Patel, Shri Rajeshwar	Shastri, Swami Ramanand	Upadhyaya Shiva Datt
Patil, Shri S.K.	Shivananjappa, Shri	Varma, Shri B.B.
Pattabhi Raman, Shri R. C.	Shree Narayan Das, Shri	Wilson, Shri J.N
Radha Raman, Shri		

Mr. Speaker: The result of the division is:

'Ayes' 18.

'Noes' : 107.

Shri Tyagi (Dehra Dun): I beg your pardon, Sir. One has to be deducted from the 'Ayes', because Sushri Maniben Patel has voted wrongly for the 'Ayes'. And you should add her vote to the 'Noes'.

Mr. Speaker: But there is one 'Aye' here, Shri Dasaratha Deb's. So, one 'Aye' and one 'No' have cancelled each other. I always cherish very much the advice given to me by Shri Tyagi.

An Hon. Member: He is always wrong.

Shri Thirumala Rao (Kakinada): There is a difference in the number, Sir. You cannot cancel each other. On each side one number has increased. That is what Shri Tyagi has said.

Shri Prabhat Kar (Hooghly): He is again arithmetically wrong.

Mr. Speaker: From the number of 'Ayes' one was deducted on account of Sushri Maniben Patel's wrong vote, and I added that number (being her vote) to the 'Noes'. But at the same time I added one to the number of 'Ayes' being the vote of Shri Dasaratha Deb which he has not cast at all. Therefore, the 'Ayes' remain as 18. So far as the 'Noes' are concerned, with the addition of the votes of Shri B. R. Bhagat and Sushri Maniben Patel, it comes to 107. So the cut motion is lost.

The motion was negatived.

Mr. Speaker I think all the other Cut Motions have been disposed of

The question is:

"That the respective sums not exceeding the amounts shown in the fourth column of the Order Paper be granted to the President, out of the Consolidated Fund of the State of Orissa, to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1962, in respect of the following Demands entered in the second column thereof:

Demands Nos. 1 to 51, 53, 54, 55, 57, 58 and 60."

The motion was adopted.

Mr. Speaker: We will now proceed with Legislative Business.

12:54 hrs.

ESSENTIAL COMMODITIES (AMENDMENT) BILL

The Minister of Food and Agriculture (Shri S. K. Patil): Mr. Speaker I beg to move*.

"That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration."

"The Essential Commodities Act, of 1955 enables the Central Government to make orders for regulating by licences, permits or otherwise, the production, manufacture, storage, transport, distribution, disposal, acquisition, use or consumption of any essential commodity. By virtue of this power the Central Government has made orders for the exercise of licensing control over the wheat roller flour mills and foodgrains dealers. An order issued in this regard makes provision for suspension or cancellation of any licence for any constravention of the conditions thereof or of the provisions of the order, apart from recourse to prosecution under the penal provisions of the Act.

Experience has shown that suspension or cancellation of a licence not only imposes on the licenses unduly heavy punishment in cases where the contravention is of a minor or technical character, but also causes inconvenience to consumers owing to the dislocation of supplies in the area concerned. Prosecution in a court of law is an extreme step which can be resorted to only in cases of serious infringements of the terms of a licence or permit. Therefore a *via media* had to be found out. After a very careful consideration of the whole matter, the Government have come to the conclusion that the Essential Commodities Act, 1955 should be amended in the manner indicated in the Bill.

"After the proposed amendment is made, the licensees and the permitholders can be required to furnish security deposit for the due performance of the conditions of the licence or permit, and, for contravention of any of the terms of the licence or permit the whole or part of the security deposit can be forfeited if that punishment is considered sufficient and desirable in the circumstances of the case. Such for feiture does not dislocate supplies to the consumers as is involved in the case of suspension or cancellation of the licence of a flour mill, and at the same time imposes suitable punishment on the licensee for minor contraventions.

This is a non-controversial meaure, because in minor offences, when you do not really cancel the licence the other alternative is to ignore it; and therefore many offences go unpunished, because the punishment is too heavy. What is sought to be done is that some kind of a security is to be taken, so that either a part or the whole of the security deposit could be taken over. This is the slight change that we have made in section 3 of the Act."

I move.

Mr. Speaker: Motion moved;

"That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration".

Shri Tyagi (Dehra Dun): I wish to seek just one clarification about the interpretation of the existing law as well as the amendment proposed. I think the amendment proposed today is a very good and healthy amendment. I support this Bill. But I would like to know as to what is the procedure of establishing a flour mill. Is any permission of the Government needed for establishing a new flour mill? Is a licence needed in advance, or is it that anybody is at liberty to set up a mill anywhere he chooses? I want only this clarification.

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*Moved with the recommendation of the President.

श्री ब्रजराज सिंह (फिरोजाबाद) : अध्यक्ष महोदय, ऊपर से देखने में जो संशोधन मंत्री महोदय चाहते हैं बहुत ही सीधा सा मालूम पड़ता है, किन्तु यदि इसंशियल कमोडिटीज़ ऐक्ट, १९४५ की धारा २ को हम पढ़ें, जिसमें इसंशियल कमोडिटीज़ की परिभाषा की गई है, तो उससे पता चलता है कि संभवत: यह संशोधन इतना सीधा नहीं है जितना मंत्री महोदय इसे बताना चाहते हैं । इसंशियल कमोडिटीज़ ऐक्ट, १९५५ की धारा २ में जो चीजें इसंशियल कमोडिटीज़ में शामिल की गई हैं वे इस प्रकार हैं :

"(a) 'Essential commodity' means any of the following classes of commodities:

(i) Cattle fodder, including oil cakes and other concentrates;

(ii) Coal, including coke and other derivatives;

(iii) Component parts and accessories of automobiles;

(iv) Cotton and woollen textiles;

(v) Foodstuffs, including edible oilseeds and oils;

(vi) Iron and steel, including manufactured products of iron and steel;

(vii) Paper, including newsprint, paper board and strawboard;

(viii) Petroleum and petroleum products;

(ix) Raw cotton, whether ginned or un-ginned, and cottonseed;

(x) Raw jute;"

और उसके बाद दिया गया है :

"(xi) Any other class of commodity which the Central Government may by notified order declare to be an essential commodity for the purposes of this Act, being a commodity with respect to which Parliament has power to make laws by virtue of entry 33 in List III of the Seventh Schedule to the Constitution;

(b) 'Food crops' include crops of sugarcane."

मेरे कहने का तात्पर्य यह है कि इसमें सिर्फ गेहूं या गेहूं से बनी चीजों का ही सम्बन्ध नहीं है, इनके अलावा बहुत सी चीजें आती हैं जो कि हिन्दुस्तान की वर्तमान अर्थ व्यवस्था की पृष्ठ ूमि में काफी महत्वपूर्ण हैं । खास तौर से कोयला, आइरन और स्टील, पैंट्रोलियम और पैंट्रोलियम प्रोडक्ट्स ऐसी चीजें हैं जिन पर हमें सोचना पड़ेगा कि लाइसेंस से अगर इनका वितरण होता है और उस वितरण में हम इस तरीके की शर्तें जोड़ते हैं जो शर्तें कि मंत्री महोदय इस संशोधन द्वारा जोड़ना चाहते हैं, तो कहीं इन चीजों के वितरण में ढिलाई ो नहीं आ जाएगी ? अगर इस संशो न का मतलब सिर्फ इतना ही है कि इस संशोधन के बाद जो वितरक होंगे उनसे अगर टैकनिकल या माइनर अपरा होंगे तो सिर्फ उनके डिपाजिट जब्त करने की व्यवस्था होगी, तब तो मैं समझता हूं कि यह एक अच्छी बात होगी । लेकिन इस बिल में कहीं ऐसा नहीं मालूम पड़ता कि जब इस पर अमल होगा तो कौन से मसले होंगे जिनमें कि यह डिपाजित अर्थात् जमानत जब्त कर ली जाएगी और कौन से ऐसे मसले होंगे जिनमें कि सरकार को मुकदमा चलाने की ज़रूरत पड़ेगी ? जब हम इस का ून को यहां पास कर रहे हैं तो इसके पास होने से पहले सरकार की तरफ से इस बात का स्पष्टीकरण होना आवश्यक है

कि किस क्षेत्र में डिपाजिट की जब्ती की की व्यवस्था होगी और कौन से मामले होंगे जिनमें डिपाजिट जब्त की जायगी और कौन से ऐसे मामले होंगे जिनमें कि मुकद्दमा चलाना आवश्यक होगा ।

13·10 hrs.

मैं यह मानता हूं कि अगर बहुत ही हल्के प्रकार के अपराध हों तो उनमें डिपाजिट को जब्त करने से काम चल सकता है लेकिन जब हम अमल के दायरे में जाते हैं तब यह देखते हैं कि बहुत से सरकारी कानूनों की भावना काफी अच्छी होती है, उनका लक्ष्य सुन्दर होता है लेकिन उनको अमल में लाने में सरकारी मशीनरी बहुत ही गड़बड़ कर दिया करती है । इसलिए हमें यह स्पष्ट करना होगा कि जहां लाइसेंस और परमिट देने के लिए जमानत की जाती है वह कौन से उल्लंघन पर जमानत जब्त होगी और किस प्रकार के उल्लंघन पर कानूनी तरीके से उस पर मुकद्दमा चलाया जायगा ? यदि यह चीज स्पष्ट नहीं की जाती है तो मैं समझता हूं कि इस संशोधन का जो उद्देश्य है वह व्यर्थ हो जायगा । जो उद्देश्य हम इस संशोधन से हल करना चाहते हैं वह पूरा नहीं होगा । सलिए यह स्पष्ट होना चाहिये कि कौन से मामले इस तरह के होंगे जिनमें परमिट की कौन सी शर्तों और लाइसेंस की कौन सी शर्तों के उल्लंघन पर जमानत जब्त होगी और कौन सी शर्तों के उल्लंघन करने पर हम परमिट को ही कैंसिल कर देंगे लाइसेंस को ही कैंसिल कर देंगे । कौन से ऐसे मामले होंगे जिनमें हमें मुकद्दमा चलाने की जरूरत पड़ेगी । यदि इस तरह का स्पष्टीकरण नहीं किया जाता है तो नतीजा यह हो सकता है कि जो अफसरान इसको अमल में लाते हैं वे अपने विवेक पर चाहें तो परमिट को कैंसिल करें और चाहे तो जुर्माने को जब्त करने की व्यवस्था करें ।

एक दूसरी चीज भी है जिस पर कि सरकार का ध्यान जाना आवश्यक है और वह यह है कि किन्ही छोटे मामलों में जहां परमिट या लाइसेंस देना हो वहां पर कोई ऐसी शर्त न जोड़ी जाय कि हजार पया या दो हजार रुपया डिपाजिट देना पड़ेगा । अब अगर कोई छोटी सी गल्ले की दुकान करना चाहता है तो उस गल्ले की दुकान के लिए एक शर्त यह रख दी कि हजार पया उसे जमा कराना आवश्यक होगा । अब इस तरह की शर्त उन छोटे डीलर्स और जो दुकान करने वाले होंगे, उनके वास्ते बहुत कठिनाई पैदा कर देगी । इसलिए इस चीज का भी ध्यान रखना चाहिए कि जिन लोगों की सुविधा के लिए इस कानून को बनाया जा रहा है, इसके अमल होने से उनके रास्ते में कोई रुकावट और कठिनाइयां न आयें । मैं समझता हूं कि चूंकि इस कानून के द्वारा हमारी सरकार इस अधिकार को ले रही है और इस अधिकार का जब वह प्रयोग करेगी तब फिर पार्लियामेंट को बीच में आने की जरूरत नहीं होगी । पार्लियामेंट बीच में नहीं आयगी । इसलिए अभी सरकार के द्वारा यह स्पष्ट होना चाहिए कि जितने छोटे मामले होंगे वहां पर जमानत की व्यवस्था बहुत कम होगी अलबत्ता बड़े मामलों में अधिक की व्यवस्था हो सकती है । खास तौर से जहां आयरन एंड स्टील का प्रश्न उठता है मैं कहना चाहता हूं कि कलकत्ता और कानपुर आदि कुछ ऐसे शहर हैं, संभवतः दिल्ली भी उनमें शामिल है जहां पर लोहे और स्टील का कोटा बहुत बड़े पैमाने पर दिया जाता है और उसका दुरुपयोग भी होता है । लाइसेंस जिनके हाथ में होता है वह इस कोटे का दुरुपयोग करते हैं । सका दुरुपयोग करने पर उन्हें सजा मिलनी ही चाहिए । लेकिन इस संशोधन से एक ऐसी व्यवस्था भी हो सकती

[श्री ब्रजराज सिंह]

है कि आयरन और स्टील का जिनके पास कोटा है और वह उसका दुरुपयोग कर रहे हैं तो कानून में इस तरीके की व्यवस्था हो जाने से अमल करने वाले अफसर को यह अधिकार प्राप्त हो जायेगा कि वह उनको सजा दिलाने के बजाय, उन पर मुकद्दमा चलाने के बजाय, उनका जो रुपया डिपाजिट में है उसको जब्त कर ले। उदाहरण के लिये मान लीजिये कि एक कोटा होल्डर की २ हजार या १ हजार रुपये की जमानत जमा है और वह लोहे और स्टील के किसी कोटे का दुरुपयोग करता है और एक कोटे के दुरुपयोग में ही वह १० हजार रुपये कमा लेता है तो अगर २००० रुपये की जमानत उसकी जब्त भी कर ली जाय तो उसके लिए कोई बड़ी बात न होगी। इसलिए यह आवश्यक हो जाता है कि यह बात तय कर दी जाय। अब कानून में इसका फैसला नहीं किया जा सकता है तो बाद में हम कोई नियम बनायें या कोई सरकारी आदेश द्वारा इस चीज की व्यवस्था कर दें कि ऐसे मामलों में जुर्माने की व्यवस्था होगी, जमानत जब्त कर ली जायगी और जहां तक बड़े मामलों का सम्बन्ध है उनको सिर्फ जमानत जब्त कर के ही नहीं छोड़ दिया जायगा बल्कि जो महत्वपूर्ण मसले हैं जैसे आयरन ऐंड स्टील, कोयला, बुलियन, कोटेन टैक्सटाइल और पैट्रोलियम आदि के मामलों में जमानत जब्त करने से ही काम नहीं चलेगा और इसलिए ऐसे मामलों में मुकद्दमा चलाने की व्यवस्था होनी चाहिए।

जैसा मैंने आरम्भ में कहा कि यह संशोधन विधेयक जितना सादा समझा जा रहा है वास्तव में उतना सादा नहीं है। मंत्री जी इसे जितना सादा समझ रहे हैं वास्तव में वह उतना सादा नहीं है। अब यह हो सकता है कि जो गल्ले का विभाग उनसे सम्बन्ध रखता है उसको ही लक्ष्य में रख कर उन्होंने इसे बिलकुल सादा कहा हो। अब जहां तक गल्ले का ताल्लुक है गल्ले की स्थिति सुधर रही है और इससे कोई इंकार नहीं कर सकता है। अब गल्ले का जहां तक ताल्लुक है उसमें इससे कोई विशेष अन्तर या प्रभाव नहीं पड़ेगा लेकिन मैं उनको यह बतलाना चाहता हूं कि यह इसेंशियल कमोडिटीज ऐक्ट, १९५५ दूसरी ऐसी आवश्यक वस्तुओं पर भी लागू होता है जिनका कि सीधा सम्बन्ध मंत्री महोदय के विभाग से नहीं है और वहां पर गलत तरीके से और गलत परमिट वगैरह से अधिक धन कमाया जा सकता है और खाली खतावार व्यापारी की अथवा फर्म की जमानत भर जब्त कर देने से जो उद्देश्य इस विधेयक का है वह पूरा नहीं होगा। इसलिए इस तरह की व्यवस्था, चाहे आप कानून में संशोधन करके करें या नियम द्वारा अथवा बाद में सरकारी आदेश द्वारा करें, बहुत आवश्यक है, ताकि लाइसेंस लेने वाले या परमिट प्राप्त करने वाले यह न समझ बैठें कि सरकार लापर्वाह है और वह सतर्क नहीं है और इसलिए हम इस कानून को तोड़ सकते हैं, परमिट और लाइसेंस की शर्तों को तोड़ सकते हैं और हमें सजा नहीं मिलेगी और हमारा परमिट कैंसिल नहीं होगा, लाइसेंस हमारा खत्म नहीं किया जायगा। अब यह ठीक है कि जमानत जब्त करने की व्यवस्था इसमें है लेकिन यह जरूरी नहीं है कि पूरी जमानत ही जब्त हो और अमल करने वाले अधिकारी चाहें तो कसूरवार की जमानत का कुछ ही हिस्सा जब्त कर के छोड़ सकते हैं। इसलिए मेरा कहना है कि यह सब जो अधिकारियों के विवेक पर छोड़ दिया गया है कुछ उचित नहीं है और इस विवेक को किसी हद तक सीमित अवश्य कर दिया जाना चाहिए नहीं तो यह हो सकता है कि कोई अधिकारी खाली जमानत में से १० रुपये ही जब्त करके छोड़ सकता है। मेरा कहना यह है कि ऐसे मामलों में सजा जरूर होनी चाहिए। जब हम आज इस पर सदन में विचार कर रहे हैं तो सरकार की तरफ से

इस बात का स्पष्टीकरण अवश्य होना चाहिए कि जो गम्भीर मामले हैं उनमें सिर्फ जमानत जब्त करने से ही काम नहीं चलेगा और उनमें मुकद्दमा जरूर चलाया जायेगा।

दूसरी बात मुझे यह कहनी है कि यह जमानत दाखिल करने वाली व्यवस्था से उन लोगों को जो कि छोटा काम करते हैं गल्ले वगरह की छोटी छोटी दुकानें खोलना चाहते हैं अब चूंकि वे बेचारे यह हजार और दो हजार रुपये की जमानत की शर्त को पूरा नहीं कर पायगे जमानत जमा नहीं करा पायेंगे तो वह उस हालत में दुकान ही नहीं कर सकेंगे। यह सा ी बातें हैं जिन पर कि विचार किया जाना चाहिए और उसके बाद ही सदन को इस कानून को पास करना चाहिए।

अब अगर खुद मंत्री महोदय इस कानून में कोई ऐसी व्यवस्था न कर सकें अथवा करने में असमर्थ हों तो इसको नियमों द्वारा कर दें और नियमों द्वारा भी न कर सकें तो सरकारी आदेशों द्वारा इस तरह की व्यवस्था जरूर करें ताकि जो इस संशोधन विधेयक का उद्देश्य है उसके पूरा होने में कोई रुकावट न आये। खास तौर पर ऐसे लोग जो कि बड़ा का ोबार करते हैं, वे ऐसा न सोच लें कि अगर वह लाइसेंस वगैरह की शर्तों को पूरा नहीं करते हैं तो उनका सिर्फ थोड़ा सा रुपया जब्त होने से ही काम चल जायगा। उनमें ऐसी भावना पैदा न होने देनी चाहिए और इसीलिए यह आवश्यक व्यवस्था की जानी चाहिए। मैं आशा करता हूं कि मंत्री महोदय इन तमाम बातों पर गम्भीरतापूर्वक विचार करेंगे।

श्री विभूति मिश्र (बगहा): अध्यक्ष महोदय, खाद्य मंत्री महोदय ने जो विधेयक उपस्थित किया है उससे मूल बिल जो इसेंशियल कमोडिटीज एक्ट, १९५५ है, उसमें कुछ संशोधन हो जाता है।

मेरा सुझाव यह है कि इस में कुछ अन्य इसेंशियल चीजें भी ले लेनी चाहिएं जैसे लोहा, फर्टिलाइजर्स और अन्य खेती सम्बन्धी उपयोगी चीजें हैं। इन चीजों को भी इसमें जोड़ लेना चाहिए।

दूसरी बात यह है कि छोटे छोटे आदमियों से जैसे डीलर से जमानत लेते हैं अगर वह कोई गल ी करता है तो उसकी जमानत जब्त करने में कोई ऐतराज नहीं है। अब अगर डीलर ने गलती की है तो वह सजा पाये लेकिन असल चीज यह ध्यान में रखने की है कि स्टाकिस्टस और होलसेलर्स होते हैं उनको सख्त सजा मिलनी चाहिए। होलसेलर्स का, अपराध करने की दशा में, लाइसेंस भी कैंसिल होना चाहिए और उनको जुर्माने की भी सजा मिलनी चाहिए। उनके लिए जेल की सजा उठा देना ीक नहीं होगा क्योंकि अगर उन्होंने ५० हजार का मुनाफा किया और आपने उसकी हजार रुपये की जो जमानत आपके पास जमा है उसमें से ५०० रुपये जब्त कर लिये तो उस पर इसका कोई भी प्रभाव नहीं पड़ने वाला है क्यों कि ४९५०० का फायदा उसने कर लिया है। उनको इसके लिए ज्यादा से ज्यादा सजा जो कि दो साल की होगी, देनी चाहिए और ऐसा नहीं करना चाहिए कि बस ६ महीने की सजा देकर छोड़ दिया जाय। इसलिए मेरा सुझाव है कि उनके लिए जेल की सजा कम नहीं करनी चाहिए बल्कि उस सजा को सख्त से सख्त करना चाहिए। इसके साथ ही उनका लाइसेंस भी कैंसिल होना चाहिए।

13·10 hrs.

[SHRI MULCHAND DUBE *in the Chair*]

इस बिल के स्टेटमेंट आफ़ आब्जेक्ट्स एंड रीजन्ज से ऐसा प्रकट होता है कि ऐसे व्यक्ति के लाइसेन्स को कैंसिल करने का सरकार का विचार नहीं है। मैं समझता हूं कि आवश्यकता इस बात की है कि इस मामले में सरकार को सख्ती से काम लेना चाहिए। हम देखते हैं कि जितने भी कड़े से कड़े नियम बनाए जाते हैं, उन का पालन करने के वक्त कुछ ढील हो जाती है। इस लिये मैं चाहता हूं कि या तो इस विधेयक में संशोधन किया जाये और अगर यह संभव नहीं है, तो ऐसे रूल्ज बनायें जायें कि शर्तों का

[श्री विभूति मिश्र]

उल्लंघन करने पर होलसेलर्ज और स्टाकिस्ट्स की जमानत भी जब्त हो, उन का लाइसेन्स भी सील हो और उन्हें जेल भी जाना पड़े। माननीय मंत्री जी इस ओर ध्यान दें।

श्री श्रीनारायण दास (दरभंगा): सभापति महोदय यह बिल असेंशल कामोडिटीज़ एक्ट की कमी को दूर करने के लिये लाया गया है, इस लिये मैं इस का स्वागत करता हूं।

मूल कानून की धारा ७ में यह दिया हुआ है कि धारा ३ के अन्दर दिये गये विषयों के विरुद्ध काम करने वालों को धारा ७ के अन्तर्गत सज़ा दी जायगी। लेकिन जो संशोधन अब किया जा रहा है, वह भी धारा ३ के अन्दर ही है। धारा ३ में परमिट, लाइसेन्स या दूसरे डाक्युमेंट जारी करने और उन के संबंध में ज़मानत जमा करने की व्यवस्था की गई है और साथ ही यह भी दिया जा रहा है कि उन में दी गई शर्तों का पालन न करने पर ज़मानत, या उस का कुछ भाग, ज़ब्त हो सकता हैं और उसके सम्बन्ध में एडजुडिकेशन करने का इन्तजाम भी किया जा रहा है। इस से पता चलता है कि परमिट या लाइसेन्स की अवहेलना के लिये ज़मानत ज़ब्त करने का फ़ैसला वे अधिकारी करेंगे, जिन्हें इस कानून में सेंट्रल गवर्नमेंट के द्वारा अधिकार दिया जायेगा। आम तौर पर परमिट और लाइसेंस देने वाले अफ़सर जिले के छोटे अधिकारी होते हैं और इस संशोधित कानून के अनुसार जो आर्डर होगा, उस में यह निर्णय करने का अधिकार नीचे के अधिकारियों को दिया जायगा कि परमिट या लाइसेन्स की शर्तों की अवहेलना हुई है या नहीं। आम तौर पर यह देखा जाता है, और प्रायः सभी सदस्यों को इस बात का तजुर्बा होगा कि जहां तक परमिट्स और लाइसेन्सिज़ के जारी करने का प्रश्न है, यद्यपि आज-कल की अर्थ-व्यवस्था में वे आवश्यक हैं, लेकिन जिन अधिकारियों के हाथ में वह अधिकार दिया जाता है, वे बहुत हद तक उस का दुरुपयोग करते हैं। सरकार के द्वारा प्रकट की गई यह भावना तो अच्छी है कि छोटे छोटे अपराधों के लिये, परमिट या लाइसेन्स की शर्तों की छोटी और टैक्निकल अवहेलना के लिये मुकदमा न चलाया जाये, बल्कि ज़मानत या उस का कोई भाग जब्त कर लिया जाये लेकिन इस के साथ ही इस बात का आश्वासन मिलना चाहिए कि ज़मानत जब्त करने का निर्णय किस आधार पर किया जायगा। मैं समझता हूं कि एक तरह से यह एक जुडिशल फ़ैसला होगा। यह ठीक है कि जुडिशल फैसले के सम्बन्ध में कोर्ट में कुछ देरी होती है, लेकिन वहां न्याय की आशा रहती है। इस की तुलना में अगर परमिट या लाइसेन्स जारी करने वाले अधिकारी ही इस बात का फ़ैसला करें कि सम्बद्ध शर्तों की अवहेलना हुई है या नहीं, तो अन्याय होने की शंका है।

इस में ज़िक्र किया गया है कि किन हालतों में जमानत जब्त की जायगी, इस के लिये सरकार आदेश जारी करेगी और नियम बनायेगी। मैं निवेदन करना चाहता हूं कि जब किसी कोर्ट में कोई मामला जाता है, तो वहां हर पक्ष की बात सुनी जाती है और सुबूत देखे जाते हैं और उस के बाद फ़ैसला होता है। यही नहीं, वहां अपील का भी अधिकार होता है और उस के लिये दूसरी कोर्ट में जा सकते हैं। लेकिन यहां पर यह बातें बिल्कुल छिपी हुई हैं कि परमिट या लाइसेन्स देने वाले अधिकारी जमानत जब्त करने का निर्णय किस आधार पर करेंगे, क्या वह इस संबंध में कानून को ध्यान में रखेंगे, या उन की मनमानी पर निर्भर होगा कि जो ज़मानत जब्त की जाये, उस का कितना भाग जब्त किया जाये और कितना छोड़ दिया जाय, और अपील कहां होगी। इस बिल के द्वारा जो अधिकार सरकार को दिये जा रहे हैं, उन का प्रयोग सरकार खुद नहीं करती है। केन्द्रीय सरकार

या राज्य सरकारों के अधिकारी इस सम्बन्ध में नियुक्त किये जाते हैं और वे ही इन अधिकारों का प्रयोग करते हैं। उन के द्वारा इस के बारे में पूरा न्याय हो सकेगा या नहीं, इस में सन्देह है। जैसा कि माननीय मंत्री जी ने कहा है, यह बात सही है कि अभी छोटे छोटे मामलों के संबंध में दो ही बातें सरकार के सामने रहती हैं—या तो मुकदमा चला कर लाइसेन्स या परमिट बिल्कुल बन्द कर दिया जाये, या किसी धारा की अवहेलना करने पर सज़ा दी जाये, जेल भेजा जाये या जुर्माना किया जाये। जुर्माने की बात तो छोटी है, लेकिन इस आदेश के जारी होने के बाद यह ध्यान में रखना होगा कि जिन अफ़सरों के हाथ में लाइसेन्स और परमिट देने और उन की शर्तों का निर्माण करने का अधिकार है, वे न्याय कर सकेंगे या नहीं, इस में मुझे शक है। जैसा कि मैं ने अभी कहा है, जो ज़मानत ज़ब्त होगी, उस के विरुद्ध अपील कहां हो सकेगी और किसी कोर्ट में अपील हो सकेगी या नहीं, इस बात की सफ़ाई होना जरूरी है। मूल कानून की धारा ३(१) मेंसरकार को बहुत व्यापक अधिकार मिले हुए हैं। इस के बाद धारा ३(२) (ज) में यह कहा गया है कि सरकार को इन्सिडेंटल एंड सप्लीमेंटरी मैटर्ज़ (जिन में मुख्य मुख्य बातों का उल्लेख किया गया है) के सम्बन्ध में आदेश जारी करने का अधिकार है। मेरा ख्याल था कि बिना इस संशोधन के सरकार को इस बात का अधिकार था कि परमिट और लाइसेन्स के लिये ज़मानत ली जाये और उस की शर्तों की अवहेलना करने पर ज़मानत को ज़ब्त किया जाये। फिर भी कानून को स्पष्ट करने के लिये यह बिल लाया गया है, इस लिये मैं इस का समर्थन करता हूं, लेकिन मैं आशा करता हूं कि माननीय मंत्री जी खुलासा करेंगे कि परमिट और लाइसेन्स की शर्तों की अवहेलना करने के लिये जो ज़मानत जब्त की जायगी, वह अधिकार किस अधिकारी के हाथ में होगा और क्या उस के विरुद्ध अपील की जा सकेगी या नही। इस बात का भी आश्वासन होना चाहिए कि अगर ज़मानत ज़ब्त करने का निर्णय हो, तो अपील किसी अदालत मे हो, जहां लाइसेन्स-होल्डर या परमिट-होल्डर को पूरी सफ़ाई देने का मौका मिल सकं।

श्री सिंहासन सिंह (गोरखपुर) : सभापति जी, जो संशोधन विधेयक सदन के सामने उपस्थित है, उस की आवश्यकता के विषय में यह कहा गया है कि जमानत लेने से कुछ सुविधा होगी और यह व्यवस्था अभी तक नहीं थी, इसलिये इस कानून को संशोधित किया जा रहा है। स्टेटमेंट आफ आब्जैक्ट्स एंड रीजन्स में कहा गया है—

"At present there is no power on the part of the Government to include in an order made under section 3 of the Essential Commodities Act, 1955 any provision requiring the holder of any licence, permit or other document to furnish security deposit for the due performance of the conditions thereof and for the forfeiture of the whole or any part of the security deposit for the contravention of any such conditions, . . ."

१९४० का एसेंशल कामोडिटीज एक्ट बहुत पुराना हो गया है। जब से लड़ाई छिड़ी तब से किसी न किसी रूप में चला आता है। जमानत लेने से क्या सुविधा होगी और अब तक क्या असुविधा रही है, इस पर कोई खास प्रकाश इस बिल के आबजैक्ट्स एंड रीजन्स में नहीं डाला गया है। अभी मुझ से पहले बोलने वाले वक्ता महोदय ने कहा है कि उन को डर है कि अगर कोई लाइसेंस की शर्तों के विरुद्ध कार्यवाही करेगा तो उस की जमानत जब्त हो जायेगी और इस से कोई खास फर्क पड़ने वाला नहीं है। लेकिन मैं समझता हूं कि शायद वही उस की आखिरी सजा नहीं होगी, उस के बाद जो पीनल ला है उस के मुताबिक भी कार्यवाही हो सकेगी।

लेकिन मुझे जो डर है वह यह है कि आज इस देश का व्यवसाय कुछ विशेष वर्गों के

[श्री सिंहासन सिंह]

हाथ में है। उन वर्गों के हाथ में है जिन के पास पैसा है, जो धनी हैं, और जो इस के लिये आवेदनपत्र देंगे अगर उन को मंजूर कर लिया जायेगा तो एक हजार या पांच सौ रुपया देना उन के लिये कोई मुश्किल बात नहीं होगी और अगर यह जब्त भी हो जायेगा तो भी कोई खास कठिनाई का सामना उन को नहीं करना पड़ेगा। लेकिन आज जो देश में बेकारी है, उस के कारण कई नौजवान भटकते फिरते हैं, करने के लिये उन के पास कोई धंधा नहीं है, तिजारत वे नहीं कर सकते हैं क्योंकि उन के पास रुपये का अभाव है, और अगर वे किसी तरह से तिजारत में आना चाहते हैं तो उन के लिये इस तरह की जमानत देना कठिन हो जायेगा। वे अगर ईमानदारीरी से इस तिजारत को करना चाहें भी तो नहीं कर सकते हैं और यह जो जमानत की दफा है वह उन के रास्ते में रोड़े अटकायेगी। यह जमानत नकद ली जायेगी, जायदाद के रूप में ली जायेगी या किसी और तरह से ली जायेगी, इस के बारे में मंत्री महोदय तशरीह करें, यह मैं चाहता हूं। आज भारत में कितने ही लोग ऐसे हैं जिन के पास न घर है, न जमीन है, न पैसा है और वे सिवाय नौकरी करने के और कुछ करने की स्थिति में नहीं हैं। अगर वे किसी तरह से इस तजारत में आना चाहें तो उन के रास्ते में मेरे ख्याल से यह दफा एक रुकावट डालेगी और उन से कहा जायेगा कि पहले जमानत लाओ, तब परमिट दिया जायेगा। पहले तो उन के पास तजारत करने के लिये पैसा नहीं और अगर वे किसी तरह से थोड़े बहुत पैसे का प्रबन्ध करेंगे भी तो जमानत देना उन के लिये मुश्किल होगा। यह जो दफा ३ है यह कई सालों से चली आ रही है। आप जमानत लेना चाहते हैं लें और अगर नहीं लेना चाहते हैं तो न लें। लेकिन मैं निवेदन करना चाहता हूं कि क्या यह सम्भव नहीं है कि जो नये आदमी इस तजारत में आना चाहें, उन के रास्ते में यह जमानत की शर्त बाधक न बन सके, ऐसी कोई व्यवस्था कर दी जाये ? अब लोगों के दिलों में यह डर पैदा करने की कोशिश की जा रही है कि अगर उन्होंने शरायत की खिलाफवर्जी की तो उन की जमानतें जब्त हो सकती हैं। इस का मतलब यह हुआ कि जमानत देना ही काफी मान लिया गया है और अगर अदालत में नहीं जाना पड़ता है तो अब जो एक परसेंट या दो परसेंट चोरियां हो रही हैं, वे कई गुना बढ़ जायेंगी। लोग दस हजार की चोरियां करेंगे और एक हजार की जमानत अगर उन की जब्त हो जायेगी तो उन का कुछ बिगड़ने वाला नहीं है। इस वास्ते मैं समझता हूं कि जिस किसी की भी जमानत जब्त हो उस का मामला अदालत में अवश्य जाना चाहिये और वहां से उस को सजा दिलाई जानी चाहिये। कई तरह की जमानतें होती हैं। एक हाजिरी का मुचलका होता है और इस तरह की और भी बहुत सी चीजें होती हैं, लेकिन यहां यह दूसरी चीज है। यहां पर कहा गया है कि अगर वह शर्तों को पूरा नहीं करता है तो जमानत जब्त हो सकती है। लेकिन दुख की बात है कि जहां पर भी परमिट सिस्टम लागू होता है, वहां पर कई गलत रास्तों से उस का दुरुपयोग शुरू हो जाता है। अभी कुछ वक्त पहले तक सीमेंट बाजार में काफी था और उस का डिकंट्रोल हो गया। आज हालत यह है कि सिमेंट नहीं मिल रहा है और फिर से कंट्रोल लागू हो गया है। पहले प्रोड्यूसर कहते थे कि उन के पास बहुत सीमेंट हो गया है और उस को रखने के लिये उन के पास गोदाम नहीं हैं, लेकिन आज उस की यह हालत हो गई है कि वह मार्किट में मिलता नहीं है, यही हालत कोयले की हुई है। कोयले का उत्पादन अधिक हो गया था लेकिन आज उस की कमी महसूस की जा रही है। कहीं न कहीं बोटलनैक होने की वजह से लोगों को मुश्किल का सामना करना पड़ जाता है। आज जीवन थोड़ा सा दूभर हो रहा है। उस में यह जो रास्ता आपने इस बिल के जरिये से खोजा है, यह सहूलियत पहुंचाने के बजाय रुकावटें ही अधिक पहुंचायेगा।

गवर्नमेंट ने इस बिल को रखा है और यह पास हो ही जायेगा । मैं समझता हूं कि ऐसे ऐसे छोटे-छोटे संशोधन बार बार गवर्नमेंट की तरफ से नहीं आने चाहियें । मैं चाहता हूं कि एक बार बैठ कर के एसेंशियल कमोडिटीज एक्ट को समूल दृष्टकोण से देखा जाये और पता लगाया जाये कि इस में क्या क्या कमियां हैं और फिर एक ही बार में उन सब कमियों को दूर करने का प्रयत्न किया जाये ।

आज देश में चारों तरफ दामों में बढ़ोतरी हो रही है । दामों को बढ़ने से रोकने के लिये कोई कदम नहीं उठाये गये हैं । इस एक्ट में प्राविजन है कि आप दामों को रोक सकते हैं । मगर कोई कदम इस बारे में नहीं उठाये गये हैं । चारों तरफ हम दामों को बढ़ते ही पाते हैं । हम कानून बनाते जा रहे हैं और उन को बनाने से कोई लाभ विशेष होता हो, ऐसा दिखाई नहीं देता है । अभी कानपुर में एक दाम बांधो आन्दोलन चला था और एक सभा हुई थी । वहां पर लोगों ने बैठ कर के विचार किया था कि दाम कैसे बांधे जा सकते हैं, इस के बारे में क्या किया जा सकता है । अभी तक इस के बारे में आप की तरफ से कुछ नहीं हुआ है । जहां पर वे बंधे हुए भी हैं, वहां पर भी ढिलाई दिखाई जा रही है ।

मेरा सरकार से अनुरोध है कि लोगों में जो बेचैनी फैल रही है, उस की तरफ हमारा ध्यान जाना चाहिये और उस बेचैनी को दूर करना हमारा कर्तव्य होना चाहिये । जो भी कानून हम बनावें उस को सक्रिय रूप से लागू करें और देखें कि कोई उस की अवहेलना न करे और जो अवहेलना करे उस को सख्त दंड मिले ।

अन्त में दो ही बातें हैं जो मैं आप के सामने रखना चाहता हूं । वे नौजवान जो धनहीन हैं, उन के तजारत में आने में अगर यह जमानत वाली शर्त बाधक हो सकती है तो इस चीज को दूर किया जाये । साथ ही साथ मैं यह कहना चाहता हूं कि यह जो बिल पेश किया जा रहा है, इस के जरिये अगर यह समझा जाता है कि जमानत जब्त करने से ही मामला तय हो जायेगा तो इस से बजाय फायदा होने के नुकसान ही होने वाला है और इस तरह के मामलों को अगर अदालतों में ले जाया जायेगा, तब कुछ फायदा हो सकता है । आप इस बात पर भी विचार करें, उपाय सोचें, कि किस तरह से व्यवसाय में कुछ ईमानदारी का रास्ता लोग अख्तियार कर सकते हैं ।

Shri S. K. Patil: Mr. Chairman, so far as the clarification of some of the points raised is concerned, I would say this. Shri Tyagi was asking whether normally any permit or licence is required for the setting up of a mill. Normally, no permit or licence is required unless the factory employs more than 100 persons and the outlay is more than Rs. 10 lakhs in which case it comes under the Industries (Development and Regulation) Act. But, the permission normally becomes necessary because when wheat is required an unlicensed mill would not be given. When the machinery has got to be replaced licence has to be taken, it would not be given unless it goes through the process. Therefore, there is sufficient guarantee. But such permit has not been made necessary for small units; and there are smaller flour mills which would not come under the purview of the law. That is the legal position as it stands.

So far as the points raised by hon. Members, Shri Braj Raj Singh, Shri Bibhuti Mishra, Shri Shree Narayan Das and Shri Sinhasan Singh are concerned, I am afraid that they read in this present amendment much too much which is not intended by us. This is not some kind of subterfuge by which something is being done. Actually, what is happening today is this. There is no power with Government to include, in an order that is issued under the Essential Commodities Act, any provision requiring the holder of any licence, permit or other document to furnish security deposit for the due performance of the conditions thereof and for the forfeiture of the whole or any part of the security

[Shri S. K. Patil.]

deposit for the contravention of any condition thereof.

13.28 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Today what is provided is the cancellation of the licence or taking the matter to a court of law. Therefore, what happens is that for a very minor or technical offence the licence is not concelled. We can devise any other thing. But the cancellation of the licence is not in the public interests because when it is done what happens is that public in that area also suffers inconvenience. Therefore, it is not for major offences that this is inteded; this is for minor and technical offences where the drastic step of cancelling the licence or taking the case to a court of law and imprisoning the man etc. could not be taken. There must be some kind of punishment.

What happens in actual practice is this. When minor or technical offences are committed, because the consequences are grave they have got to be ignored. we have got simply to blink at them because they are too small so that they could not be dragged to a court of law or their licences could not be cancelled.

My friend, Shri Shree Narayan Das suggested that in section 7 some remedies are provided—so far as penalties are concerned. But he should read this amendment along with section 3—I am merely mentioning it because it is very long section —and it means this. It means that the powers for the control, production and supply and distribution of regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein, without prejudice to the generality of the powers conferred by sub-section (1) etc. This provision for a deposit is not there and therefore, we want to have this provision:

> "for the grant or issue of licences, permits or other documents, the charging of fees therefor, the deposit of such sum, if any, as may be specified in the order as security for the due performance of the conditions of any such licence, permit or other document, the forfeiture of the sum so deposited or any part thereof for contravention of any such conditions, and the adjudication of such forfeiture by such authority as may be specified in the order.

we sannot ask for deposits under the existing Act; so we want this provision.

The rules have got to be made. I quite understand Shri Braj Raj Singh's point. Sometimes it may seem a small thing but a very big deposit may be asked when we make rules some kind of norm should be settled as to how much fee should be charged for this or that and so on. That has got to be settled. There is no circuitous or round about way of doing something which is not intended under the present provision. After this explanation, I hope there will be no difficulty in passing this Bill.

Shri Shree Narayan Das: There is no provision in the present Act for framing the rules. There is only power to issue orders. If there had been any such provision, the rules might have been placed before the House. But here only orders are placed. The hon. Minister referred to the rules but they have not been provided for in the Act.

Shri S. K. Patil: We make our own rules. The orders are issued by the officers on some kind of understanding. I did not use the word 'rule' in the accepted term. When was issue orders, we follow the some kind of a rule ourselves. We shall issue instructions to see that it is used

for the purpose for which this clause is made, namely, to deal with minor and technical thing and that it will not be used for anything else.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments. The question is:

"That clauses 1, 2, the Enacting Forumla and the Title stand part of the Bill."

The motion was adopted.

Clause 1 and 2, the Enacting Formula and the Title were added to the Bill.

Shri S. K. Patil: Sir, I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be pased".

The motion was adopted.

13.33 hrs.

LEGAL PRACTITIONERS BILL

The Deputy Minister of Law (Shri Hajarnavis): Mr. Deputy Speaker, I beg to move:

"That the Bill to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All India Bar, as reported by the Joint Committee, be taken into consideration."

Sir, it is a privilege and a good fortune that I, who have descended from three generations of lawers, have the very rare honour of moving this Bill which provides for an autonomous and self-govering All India Bar where there should be only one class of legal practitioners, namely, advocates who have equal rights.

The Bill itself was debated at length when it was referred to the Joint Committee. I express on behalf of the Government my sincere gratitude to those hon. Members of the Joint Committee who sat long hours and deliberated at length and have produced a very good report which has achieved a wide measure of agreement. I must acknowledge that as it has emerged from the Joint Committee, there have been considerable improvements in the measure, improvements starting from the very first clause.

When we brought this Bill for consideration earlier, it was called the Legal Practioners Bill. A suggestion was made in the Joint Committee that there was only one class of legal practioners, namely, the advocates and thts Bill deals with the advocates and so it should be called the Advocates Act. That suggestion was accepted and it is suggested that the name of the Bill be changed from Legal Practitioners Bill to Advocates Bill.

In clause 3 as it originally stood there was no bar council for Delhi. It was suggested that in the All India Bar Council there shall be three representatives of the Supreme Court Bar Association. But then it was considered in the Committee that there is a fairly strong bar in Delhi which ought to have a bar council of its own. So, Delhi has been provided with a separate bar council and it will send its representatixes as any other State bar council to the Bar Council of India. The strength of the elected members had been increased from 10 and 15 to 15 and 20 respectively; it is 20 in the case of large States and in the case of smaller States, 15. There will be proportional representation by means of the single transferable vote and it will ensure that all groups, territorywise or in other manner in which they choose to group themselves, will find adequate representation in the State bar council.

[Shri Hajarnavis]

In clause 4, the representation granted by the orginal Bill to the separate bar associations, and the Supreme Court Bar Association had been taken away. We have now a separate bar council for Delhi. The functions of the bar council have also been enlarged and they have been statutorily provided now though that was understood throughout, that the bar council shall be entrusted with the functions of safeguarding the rights and privileges and interests of the advocates on its roll. We accepted an excellent suggestion which came from the South, I believe from Madras to be particular, that the State bar council may take steps to constitute fund for financil assistance to indigent and disabled advocates.

Clauses 9 and 10 are merely enabling provisions. The Committee considered that in the case of large States it would not be possible for one disciplinary committee to dispose of all the complaints that were made so that if necessary more than one committee shall be constituted.

In clause 11, the orginal proposal was to have an accountant, in the case of every State bar council. Now it has been made optional because it was represented to the committee that some bar council may not have adequate funds and the accounts are simple. In these circumstances, it would not be proper to burden the State bar council with the pay of an accountant. Therefore, that has been made optional.

Then about clause 17, I would like to say this. It is another suggestion which I believe came from South India; it was again from Madras. When we are raising the vakils, pleaders and attorneys to the level of advocates, the question of giving them seniority does arise. It was provided in the original Bill that those who are now statutorily enrolled shall get their seniority from the date on which they were originally admitted as Vakils, Pleaders or attorneys, and so, there is no reason why that principle should not have been applied to those who had been enrolled as advocates earlier. So, both the clauses are now brought into line.

Clause 18 is a new clause. I submit that it is a good clause. It is an improvement, because it requires that each advocate shall choose in which Bar Council he shall anrol himself, and he shall not be entitled to enrol in more than one Bar Council. If he ever wants to change it, he would have to take the permission of the Bar Council of India.

Clause 24 provides for enrolment as advocates of those citizens of India who obtain legal qualification either in this country or abroad.. The Joint Committee have rightly said that a degree in law is sufficient qualification for enrolment as an advocate and that it is not necessary to provide for any additional qualification or degree in arts, science or commerce. It is only for the individuals concerned to consider whether he would enter this profession after he has obtained some knowledge or degree or some distinction in any other subject or whether he would straightway enter the law profession as soon as he qualifies in law.

There is also a provision whereby the enrolment fee has been reduced from Rs. 500 to Rs. 250.

Now, clause 30 makes it clear that the restrictions which the Constitution imposes upon the judges of the Supreme Court and of the high courts should continue. Of course, as a matter of fact, it requires no clarification, but since all the law has to be in one place, it has been done.

Clause 35 is again a good provision. Unless *prima facie* a complaint which has been made to the State Bar Council discloses a real grievance or shows that it is a good case, which needs investigation, it may be dismissed *in limine*.

Clauses 37 to 40 provide that, as in the rest of the cases, this matter is

also subject to appeal being made to the Supreme Court. Even without this provision, the Supreme Court could be aproached under article 136, but since it is a question of debarring a man from his livelihood, from the profession which he has chosen . . .

Mr. Deputy-Speaker: Order, order. There are some voices that are continuously interfering.

Shri Hajarnavis: . . . the Joint Committee decided that, as of right, the person aggrieved should go to the Supreme Court.

Clause 51 is merely a definition clause which makes the definition of an advocate self-contained and which can be consulted whenever a question arises as to what the word an advocate means.

There are two other questions on which the Joint Committee have expressd an opinion. One is in respect of certain exclusive groups who have formed themselves into an association and exclude other members of the Bar in the high court buildings. The matter was debated at great length and the Members of the Joint Committee also have expressed their opinion.

Then there is the vexed question of stamp duty. I have personally a great deal of sympathy with the advocates. As in other professions, lawyers or advocates also ought not to be asked to pay an onerous sum before they enter the profession. It has been rightly pointed out that the engineers or doctors or accountants are not paying any sums when they enter profession. It is only the lawyers who, in some States, have got to pay as Rs. 1,000 when they start work. When I became an advocate, I had to pay nearly Rs. 1,000 which I could ill-afford to pay. But this, as we understand and as was pointed out in the Joint Committee, is within the legislative domain of the States. But powerful and contrary views have been expressed both in this House and in the report. Therefore, the matter must be decided in the courts. It may be put like this: suppose the matter concerns the States, and the State legislatures have no legislative competence, as has been contended, to impose the stamp duty, any person could decline to pay and have the matter settled in the courts. No one would be happier than I shall be if the objection to the levy of such a stamp duty by the States is upheld, but till the matter is decided by the courts, we shall go by the opinion which we think is correct.

With these words, I again thank the Joint Committee for the excellent report which they have submitted to the House, both on behalf of the Government and myself, I commend the Bill to the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All India Bar, as reported by the Joint Committee, be taken into consideration."

Shri Sadhan Gupta (Calcutta—East): Mr. Deputy-Speaker, Sir, I rise to give my general support to this Bill with certain reservations in respect of certain provisions which I want to modify as I will indicate presently. But there is no doubt that this Bill deserves every support from every section of the House, with of course the modifications which I shall presently suggest. This Bill introduces two very welcome features into the legal profession. First of all, it seeks to do away ultimately with the needless and futile discrimination that existed between the different classes of legal practioners in our country. Secondly, for the first time, it invests in the legal profession the right to control itself. Both these are very welcome features.

In the first place, due to historical reasons, certain legal practioners came from England; certain legal practitioners were entitled to enrol themselves in the high courts; certain legal

[Shri Sadhan Gupta]

practitioners were in the district courts and some were confined to criminal courts alone. Due to all this, a distinction had spring up between the advocates who were only the people who had qualified abroad, originally, and the vakils, pleaders and mukhiars. Gradually, with the growth of the national movement, the distinction between advocates and vakils disappeared, and both barristers and members of the Indian Bar who enrolled in the high courts as vakils were enrolled as advocates, and gradually they succeeded in achieving the selfsame rights. Even then the distinction between advocates and pleaders, between pleaders and mukhtiars, continued and still continues. It is a needless distinction; it is an irrational distinction, if I may say so. I think this type of distinction would not be found in any independent country. So, from that point of view, this Bill is a very welcome Bill.

But the most striking characteristic of the Bill is that for the first time, the legal profession has been given the right to control its affairs by itself. I must express the greatest satisfaction over the fact that the Joint Commitee has omitted the inclusion of Judges in the Bar Council. I believe the Judges themselves were against it and very rightly so, because if you allow the profession to control its affairs, there is no sense in introducing the Judges. I am concious that objections may be raised and had been raised from time to time about the capacity of the legal profession to control its own affairs and the objections are based on certain unhappy traditions which have sprung up—I should not call them traditions; I should say certain unhappy circumstances that have evinced themselves from time to time in the legal profession.

We must admit that in managing its own affairs, the legal profession has not earned a great reputation, but then that cannot be made a ground for denying it a right which other professions enjoy, *viz.*, the right to control its own affairs. The fact that the legal profession has not made a good show of itself, I think, is due more to the denial of this right than to anything else or any weakness in the profession itself. So long, the legal profession has been working under a tutelage. It has been under the control not of itself, but of the Judges, because the Judges dominated the Bar Councils practically, the disciplinary jurisdiction was entrusted in the High Court and so on. This kind of a tutelage is not the best method of inculcating a sense of honour and consciousness that we have to build up our profession in a way that would attract the respect and esteem of the public at large. Now that we possess, that we are going to possess under the Bill, the right to control ourselves, the right to discipline ourselves and the right to regulate our own affairs, I believe the profession will rise up to the occasion and show to the world that it can also develop the highest standards of honour, the highest standards of efficiency and integrity, that any profession can expect.

Therefore, I am not pessimistic about the capacity of the profession to control itself and to manage its own affairs. I believe that this comfort of responsibility, the conferment of this privilege, will redound to the credit and to the benefit of this profession and to the benefit of all concerned through the evolution of an honourable, respectable profession, setting before itself the highest standards of integrity as well as efficiency. These are the welcome features of the Bill, for which I would no doubt support the Bill.

But there are certain things in which the Bill falls short, which I will now indicate. The first thing is—the hon. Deputy Minister has referred to it—the exclusiveness of certain groups. I would not be ashamed to name the group—the exclusiveness of the barristers. I am myself a barrister and it pains me that this exclusiveness should

continue. The Law Commission has gone into this exclusiveness, tried to ascertain its causes and has deprecated it. The Law Commission thinks that the exclusiveness was due to the fact that barriesters enjoyed superior privileges and wanted to shut out the others from those privileges. That may be so. Barristers, for instance, may be the exclusively preserve of the original side of the Calcutta, Bombay and Madras High Courts. But then that is not the whole story.

The exclusiveness has a strong element of contempt for the native, because the barristers formerly were all Europeans and certain Indians who were also birds of the same feather. Naturally both the Europeans and the anglicised Indians looked down upon the natives. As a result, this exclusiveness manifested itself not only in the Calcutta, Bombay and Madras High Courts, but also practically in all other High Courts, where there was no cause for exclusiveness. In the Allahabad or Patna High Court, barristers and vakils do not have very different rights of practice. They have practically the same rights. Afterwards, when vakils became advocates, there ceased to be any reason for continuing this exclusiveness, but yet it continued and continued for years beyond independence. That shows that really the exclusiveness was based not on the privileges alone, not on the natural, though not very laudable objective of preserving one's privileges, but also on a sort of contempt for the native, which continued. Otherwise, how can you explain the exclusiveness in the other High Courts continuing, when the difference of rights ceased?

The exclusiveness has disappeared from other High Courts, because the number of barristers have dwindled. The number of barristers is gradually dwindling, because there are very few new recruits. But in Calcutta, the number of barristers is considerable and therefore, the exclusiveness prevails. In Patna, although the number of barristers is not too great, there are one, two or three barristers who run the whole show, because otherwise, the other barristers by their subscription would not be able to run it. That is how it continues.

It is very necessary that it should not be allowed to continue any further. That is where the Bill falls short. It is no use leaving it to the High Courts, because the High Courts feel rather embarassed for obvious reasons. For instance, take the barristers in the Bar Library Club of Calcutta. It is quite understandable that the Chief Justice or whoever is in control is embarrassed by the fact that the person involved is held in great respect in the profession and naturally in great respect by the Judges also. It becomes very difficult to say, "You quit this room. Leave it. Take up everything of yours, go and find some other place". You cannot leave it to the High Court, because every Judge in the High Court feels—maybe some Judges do not feel—that it cannot be done in this way, because of the obvious embrassment it will cause to the High Court. Therefore, we should come to the rescue of the High Courts by providing that such associations should not have any facilities to function within the precincts of the court. I would have liked to do away with such exclusive associations altogether, but then, apart from the constitutional question, the legislation on association is a State subject and therefore we cannot do it. But we certainly can deny them the facilities in the High Courts. It is our preserve, and if we do it those associations will cease to function, because no one is going to be a member of an association which has no room in the precincts of the High Court. Therefore, I would have desired the Government to be bold enough to incorporate a provision in the Bill that such exclusive associations should not have any facility to function within the precincts of the Court. Let them function outside if they want to, but not within the precincts of any High Court. That would serve the real purpose. Even at this stage I would request the hon. Minister to bring forward such an amendment.

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14 hrs.

I am very painfully conscious that compulsion is the last resort, but it is unfortunate that nothing can be done without such a compulsion. I do not mean to suggest that all barristers in Calcutta, or Patna for the matter of that, are for exclusiveness. As a matter of fact, a very large number of them are ashamed of this exclusiveness. But, then, it happens, in Calcutta at least I know, there is a small majority in the Bar Library Club who prefer it, and that is the unfortunate part of it. I would have wished that this majority realise that it is not proper for our national honour and pride that on the basis of qualification achieved in a foreign land we should treat ourselves as an exclusive community, having an exclusive bar and denying others entry to that bar on the simple ground that the persons concerned have been qualified not in England but in India. This is very unfortunate, and I wish that they had realised it like a very large number of their brothers who are unfortunately in a minority. I wish the majority had realised it and made their own amends. But since it is not going to be made, it is necessary that law should come to the aid of reason and a very considerable minority of barristers who are in the Bar Library Club in Calcutta: It is painful, because that Bar Library Club has had as its members men like Deshbandhu C. R. Das and Deshapriya Sen Gupta, who would have shuddered on this exclusiveness. It is, therefore, my very fervent appeal to the Government to incorporate the amendment and come to the aid of those of us who want to establish reason in such exclusive associations.

The next thing which I am unhappy about is the continuation of the dual system. The dual system is prevalent today in its fullest rigour in Calcutta and Bombay in the original side of the High Court. It means, as all lawyers know—may be many non-lawyers also know—that there are two sets of lawyers, the solicitors who merely act and advocates who merely plead. This is the dual system. In considering the dual system I am very conscious that I am up against an opinion of considerable weight, that is to say, the Law Commission and the All India Bar Committee. But then, I am not prepared to accept *ipsi dixit* the opinion of the Law Commission. I know that the Law Commission has made many wonderful suggestions, many valuable suggestions in many other matters. But the weight of the opinion of the Law Commission must depend not on the fact that it is the opinion of the Law Commission, not on the fact that they consist of such and such persons, but on the conviction that their arguments carry. In this respect I am afraid they have not made a very good show of themselves.

Let us see the grounds on which they have advocated the continuance of the dual system in the High Courts. What they have said is that the High Courts may continue this system till they think it fit to discontinue. Their grounds are: firstly, the business community which is most affected, which is the principal litigant community in the original side, prefers the dual system, and, secondly, the dual system makes for efficiency.

The first argument can be very easily dealt with. The business community has good grounds for preference for the dual system. The dual system is not hard on those who engage in litigations of considerable value, litigations covering thousands of rupees or lakhs of rupees. It comes out to be cheaper for them because there is no court fee on the original side.

Shri Nathwani (Sorath): There is. Since 1954 there is court fee on the original side.

Shri Sadhan Gupta: Not in Calcutta.

Shri Nathwani: So far as Bombay is concerned it applies.

Shri Sadham Gupta: It may be so in Bombay, but in Calcutta it does not apply. The scale of court fee in

Calcutta is Rs. 22. I do not know what scale of court fee is there in Bombay and how they are affected by it. Anyway, they can afford to pay two sets of lawyers, and perhaps they agree because of that. Therefore, this argument that because the business community is the principal litigant community and they prefer it cannot be made a ground for continuing a system which is very expensive to poor litigants. There is no doubt that in larger cases, in big cases, the dual system leads to considerable efficieny—I will come to that in detail when I consider the second argument—but here it is sufficient to say that all cases are not big cases and in small cases it is useless to have two sets of lawyers or two lawyers to deal with two aspects. For instance, if the decision on a case depends on two witnesses and three documents, it is useless to entrust one part of the case to one and another part of the case to another, because one can do it very easily. The point is, that it should be left to the litigant to choose. There should be no compulsion. On this aspect of compulsion also the Law Commission has given certain arguments, and I will return to it later; but what we want is that there should be no compulsion on the litigant, however big or small his litigation, to engage two lawyers where one is good enough. Let the litigant choose, that is what we want. The business community is not the sole litigant community, and we must look rather at the poor people than the business community because it is from the point of view of their benefit that cost of justice should be regulated, not from the point of view of benefit to the business community who might be engaged in many cases.

Now, Sir, the second argument is that it makes for efficiency. It undoubtedly does, but, then, even here it makes for efficiency only in the big cases, as I have pointed out. In the small cases, either it does not make for efficiency or, if it does, it is quite out-weighed by the tremendous expenses involved. Therefore, in the smaller cases, for instance, undefended cases, which are quite plentiful in many High Courts, and ejectment suits, it is absolutely unnecessary to force the litigant to engage two lawyers. The Law Commission says, "You cannot object on the ground of compulsion, because there is compulsion for the payment of court fees'. I would not like to use harsh words about the Law Commission, but what argument is this? Because you are compelled to pay court fees, therefore, you have to be compelled to engage two lawyers, specially when it is admitted that this practice of payment of court fees is a very undesirable practice and the consensus of opinion is that the court fees should be abolished in the form in which they exist. Therefore, this argument of compulsion, that one wrong thing rights another, is a very strange argument and it is not worthy of a body like the Law Commission.

Then, with regard to efficiency, I would submit that the dual system is not the only way to ensure efficiency. The dual system, as it is known today, results in efficiency. I would readily admit that in difficult cases it is necessary to divide the labour and some should confine themselves to acting and others should confine themselves to pleading. In that way, the acting part is better looked after, the pleading part is better looked after and the preparation is better done; there is no doubt about it. But is it necessary to have a class of solicitors and a class of lawyers for doing it? Can't different classes of people do it? Can't different cales of advocates do it in one case and another class of advocates combine and function in another case where the functions can be combined? In the Supreme Court we have this kind of dual system, where the advocates on record can both plead and act. But it is found in practice, that where cases are complicated, a senior advocate is engaged and the advocate on record does not plead. He does the acting part. He helps the senior in the preparation and the senior pleads or argues. This can be achieved in

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every other court—in the High Court and district courts.

It is no doubt true that in the original side of the High Courts the cases are efficiently prepared. What is the reason? The reason is that their lawyers are entitled to combine into firms and the solicitors are entitled to combine into firms. That is how they achieve economy and, as a result of that, they become efficient. Now, if the solicitor had to practise of his own, he had to act of his own and had to engage an advocate to plead, in that case, I am sure that he would have fared just as well as the district pleader does in preparing the cases. He could not do it of his own. If he were not allowed to appoint others, he could not run the office, he could not engage staff like stenographers, typists and so on, and he cannot appoint clerks to attend cases in court, and if he could not do that, he could not function with efficiency. Therefore, the fact that the dual system has contributed to efficiency is not because there is a difference between solicitors and advocates, but because the acting lawyers, namely, the solicitors, are allowed to combine themselves into firms and divide the labour between themselves and to take advantage of the resulting economy.

Can't we have this economy of allowing the advocates to combine, by allowing the advocates to have the right to act, plead as well as to combine into firms? The reason why the preparation on the appellate side of the High Court and in the district courts has not been as well as on the original side is because the advocate on the appellate side in the High Court and in the district court has to do the work all alone; he cannot combine with others. And because one person has to work of his own, it is difficult for one individual to manage everything. He can keep in his office one clerk; not more than one. If he cannot get more than one clerk, it will be very difficult for him to keep track of the cases and he cannot appear in several places whereas if he can combine with others, as he does in the Supreme Court, one could appear in one court and another can appear in another court and all these cases could have been better managed and the preparation part of it and the acting part of it, everything would have been efficient.

Therefore, I wanted a dual system of quite another sort. It is a dual system where the advocates will be able to combine and divide the labour and will be able to take advantage of the economy, and not a dual system where one side would be denied the right to act and the other side would be denied the right to plead.

Mr. Deputy-Speaker: The hon. Member should conclude.

Shri Sadhan Gupta: I do not think that many hon. Members would be participating in this Bill.

Mr. Deputy-Speaker: He has already taken half an hour. Perhaps he does not know that I have a list of 12 names. I find there are at least half a dozen more who have not sent the chits but who are preparing themselves for speaking.

Shri Tyagi (Dehra Dun): It should not be limited to lawyers alone. Others must have a say in the matter.

Mr. Deputy-Speaker: Hon. Members like Shri Tyagi have not sent in their chits; but, I am sure, they are very much interested in this.

Shri Sadhan Gupta: I will finish soon.

Therefore, that is the kind of dual system I want, and they should be allowed to combine. Then, in all courts, in the Supreme Court, in the High Courts and district courts, the cases would be better prepared. I would, even at this stage, ask the Gov-

ernment to adopt this course and not leave it to the High Court because the High Courts may feel some embarrassment in abolishing it.

Then there is the question of stamp duty, which is an unfortunate thing. I am glad that the Deputy Minister has expressed his sympathy. I would request him to go further and be bold enough to include a provision by way of an amendment that an advocate will be entitled to practise on payment of the bar council fees. I am quite conscious that stamp duty is a State subject, but then the regulation of the legal profession is our preserve; and where the State's preserve and our preserve conflict, under the Constitution we prevail. Therefore, it is worthwhile adopting this amendment because then we can override the State law and through this amendment if we are legislating on the right of practice of advocates, then the States' power of legislating on stamp duty will be over-ridden and our law would prevail. Even if there is any doubt about it, it is worthwhile having it tested in a court of law by passing the Bill with this amendment. If it is not done, it becomes very hard because any person will have to pay Rs. 1,000 to enrol himself as an advocate, and more in some cases, which is very unfair to the aspirant to the legal profession.

There are one or two other things which I would have liked to refer to, but I do not think I will take the time of the House by encroaching on the time of others. So, with these words I give my support to this Bill. But I hope the Deputy Minister will agree to incorporate the amendments according to the lines suggested by me here, as well as in my minute of dissent to the report of the Select Committee.

Shri Raghubir Sahai (Budaun): It is an admitted fact that there was a very persistent demand in the country since long for an All India Bar or a united Bar, that there should be no distinction between one class of legal practitioners and the other, that they must enjoy the same rights and privileges, and that the Bar Council or Councils should be autonomous bodies. This plea was supported by the All India Bar Committee which gave its report in March 1953. And this was unanimously supported by the Law Commission. In accordance with the recommendations of the Law Commission and of the All India Bar Committee this Bill was brought forward by the Government.

I am very glad to say that the Bill was referred to a Joint Select Committee and the Joint Select Committee have done a very good job. After the Bill has emerged from the Joint Select Committee we find that it comes out in an improved form than the Bill that was originally placed before Parliament. I am still more glad to find that it is almost a unanimous report arrived at by the Joint Select Committee. If there are some differences, they are here and there in regard to details; with regard to fundamentals there is perfect unanimity. As I said, after the emergence of the Bill from the Joint Select Committee we find it in an improved form and, with your permission, I shall place before the House some of the improvements that have been made by the Joint Select Committee.

You would find that in this Bill there are certain clauses which define the functions of the Bar Council, the State Bar Council and the Bar Council of India . Two very important functions have been added to them. One of them is to safeguard the rights, privileges and interests of advocates, and the second is to promote and support the reform of law.

Every lawyer, and for the matter of that everybody, knows very well that our judiciary is an independent body and that it should enjoy the greatest respect from everybody concerned. But sometimes there are cases, and genuine cases at that, where individual presiding officers

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go out of their limits and by their behavtour antagonise the entire Bar, or sometimes they are rude to lawyers and sometimes they cross the limits of decorum of the court. Till now there was no remedy against such high-handed actions on the part of the presiding officers. I remember that in specific cases where complaints were made against the behaviour of the presiding officers, even the High Courts refused to interfere. In one particular case—I remember it came from the district of Muzaffarnagar in Uttar Pradesh, and my friend Shri Sumat Prasad will bear me out—a lawyer of that district was insulted by a presiding officer. The entire Bar Association took up the matter and protested. The matter was referred to the Allahabad High Court. You will be surprised to hear that the Allahabad High Court took a rather unjust view and charged the entire Bar with contempt of court.

Shri Tyagi: They rightly did it.

Shri Raghubir Sahai: And when the matter was referred to the Supreme Court it was set aside.

I believe when this function is entrusted to the Bar Councils, with regard to the safeguarding of the rights and privileges of lawyers, such complaints would not arise hereafter; because, they would see that their rights are fully safeguarded.

There is another matter in regard to the functions of the Bar Councils, on which I congratulate the Joint Select Committee, that is the promotion and support of the reform of law. This is another addition which the Joint Select Committee has made to the functions of the State Bar Councils and the Bar Council of India. Everybody knows that although we have got this system of administration of justice as a legacy from the Britishers and we are proud of this system and it has worked for a pretty long time, there are defects in this system and those defects have to be remedied. Even the Chief Justice of India, only very recently, after his return from the tour of Japan, was pleased to make this remark. He suggested to the jurists in the country to consider whether in India, where the trend of law and litigation was fast changing, we should not reform our legal system so as to conduce to speed and effective administration of justice. You are very well aware that with all the good points about the administration of justice, we find that our system does cause delays in the decision of cases. It is a very costly system. There is perjury prevalent in law courts. And sometimes there are cases where miscarriage of justice takes place. All these things will have to be looked into. And here are the remarks of the Chief Justice who, after his return from Japan, pointed out to the jurists here that in Japan there is speedy dispensation of justice, and effective also. There they follow the continental system of law and justice, rather than the common law system which we follow here. And he made an appeal to the jurists in this country to study the subject thoroughly and to make their own suggestions. It would be open for the Bar Councils, both in the States as well as the Bar Council of India, to go into this subject thoroughly; because, who can be a better judge and a better critic of this system than the lawyers themselves?

There is another important improvement in this Bill, and it is this. It has been provided that the State Bar Councils will constitute a fund for financial assistance to indigent and disabled advocates. Everybody knows that there are no pensions given to lawyers, and there is no provident fund. But there are hard cases where very old and disabled lawyers have to go on in their profession just to eke out their existence. This fact was brought to the notice of the Joint Committee, and they have now made

a specific provision here that the Bar Councils will look to this matter also, and they will make suitable provisions for such indigent lawyers.

Shri C. R. Pattabhi Raman (Kumbakonam): I want to assure my hon. friend that the benevolent fund has been started in other places. This is working in Madras. There is a regular benevolent fund from out of which contributions are given to the needy lawyers, and sometimes, even lumpsum payments are mad in case of accident or anything like that.

Shri Raghubir Sahai: I hope other States will follow suit.

With regard to the stamp duty, in the Joint Committee itself, there were very strong feelings, as would be evident from the paragraph that has been incorporated in the report. It appears that here also, my hon. friends are very anxious that this stamp duty should not be introduced. The Law Commission itself was opposed to the imposition of any such stamp duty. And the All India Bar Committee also was of the opinion that an exorbitant fee should not be imposed. We find that in the original Bill, it was proposed that an enrolment fee of Rs. 500 should be imposed; it has now been reduced to Rs. 250. But the Law Commission was of opinion that it should be reduced to Rs. 125. We would have been very glad if that recommendation of the Law Commission had been accepted, but we are sorry that that recommendation has not been accepted, and that matter has been left to the States to decide for themselves.

After the Joint Committee had done their job, and their report came out, the Law Ministers of the several States met at Srinagar last year, and they rejected that recommendation outright. Perhaps, their plea was that if we did away with the stamp duty or reduced it to a very great extent, then, their revenues would suffer. That is a very poor argument that could be advanced. The Law Commission was of the opinion that for dispensation of justice, no duty and no court fee should be charged, and the dispensation of justice should be free of every charge. This consideration should not have been neglected. I think that the State Bar Councils which are going to be constituted now would assert themselves and would press for this very legitimate and just demand on the part of the lawyers, because, here we have made a consolidated Act in which all kinds of lawyers would come under one category. We want that every one of them should be enrolled, and, therefore, the fee that should be charged from them should be kept at the very minimum.

There is also a very salutary provision with regard to the examination after training of those who enter the profession of law. It is clear that at the present moment, in the present state of things, every person, any Tom, Dick and Harry would like to enter this profession.

Mr. Deputy-Speaker: All lawyers, at least? I hope Tom, Dick and Harry are all lawyers, at least?

Shri Tyagi: He means that everybody who is not a lawyer is either a Tom or a Dick or a Harry.

Mr. Deputy-Speaker: I think he is including B.A., LL.B.'s in the category of Tom, Dick and Harry.

Shri Tyagi: I suppose they are not laymen.

Mr. Deputy-Speaker: He is only referring to those who have the B.A., LL.B. degrees, not the others who do not have those degrees.

Shri Raghubir Sahai: I am referring to those who do not possess any aptitude for law or for the legal profession.

Pandit K. C. Sharma: (Hapur): How could they get the law degree?

Shri Raghubir Sahai: This provision has been made so that they may

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acquire certain training, and after training, they may undergo an examination. It is a very salutary provision whereby many of those persons would be excluded who should not, in the ordinary course of things, have entered this profession.

I welcome this Bill. It is a very advanced step in the direction of safeguarding the rights and privileges of the members of the legal profession.

Mr. Deputy-Speaker: Now, let us hear Shri Tyagi and listen to what he has to say against lawyers. Shri Tyagi.

Shri Tyagi: Law, as originally conceived, and as laymen understand it, was only a registration of the recognised moral values in the past, and lawyers were just giving an interpretation to those values, and that was always in conformity with the recognised pattern of the society. I had heard stories in my boyhood that barristers mostly had pockets behind, and they never transacted business for the sake of fees, and whatever the clients put in their pockets was accepted by them, like good Brahmins.

Mr. Deputy-Speaker: Now, whatever is put there would be taken away.

Shri Tyagi: Now, that pious profession has lost its charm. It has now become a regular profession for earning money and for making a livelihood out of it. Therefore, that old tradition of law has practically passed away.

It is a good thing that the lawyers are organising themselves, but after all, the Bar Council is a sort of trade union. Of course, it is a trade union, because trade union is not a bad term by itself. Let lawyers be accustomed to the pattern that is prevalent in society, where every profession has got its own trade union.

But I have got my own doubts about the wisdom of this law. After all, in this world, the whole lot of lawyers are competitors; just as there are competitors in society, these people also compete with one another. So far, there has been one balancing factor, and that is the High Court judge, who has his influence in the Bar Council, and who could set right anything unprofessional, or anything resulting on account of rivalries. Let it not be considered that the whole lot of the lawyers are angels; after all, they are as good or as bad as we people, their cousins, are. My fears are that to give absolute autonomy to the Bar Councils might perhaps prove to be injurious to the profession as a whole, because, in due course, there will be elections by the single transferable vote and there will be cliques, and there will be politics, and then the professional misconduct etc. may all be decided on the party-politics system. That is happening in the most elite society of politicians who always eschew all personal types of considerations; but, at the same time, there are groups; and those groups might come into existence in these Bar Councils also. That is my fear. And one group will go against the other, and consequently, that balance may not be kept in due course. This is the warning that I want to give to all the lawyers in the country and also the advocates etc.

Of course, they can have their Bar Councils, but I find that they are now eschewing the judge. I wonder why Government had not thought about it. There is no other profession in India to which so much of absolute power of control has been given. After all, it is a private sector. And to what extent can we give them the liberty to decide about their own conduct? Should Government at least not lay down certain principles to guide them as to what things would be deemed to be unprofessional conduct? I want to have an answer to one question in this connection, from the hon. Minister. What does he think about a lawyer evading income-tax, for inst-

ance, and also just advising his clients to evade income-tax? Is that not misconduct? Will that be deemed as misconduct? At least, certain things about which there is no dispute, and which constitute unprofessional conduct or professional misconduct should have been incorporated in this Bill so as to make it known to everybody that such things constitute misconduct. But, now, these Bar Councils will decide, and if most of these persons have taken to this practice themselves....

Mr. Deputy-Speaker: Is that a disqualification for being elected as a Member of Parliament?

Shri Tyagi: I think there must be some disqualification regarding members of Bar Councils becoming Members of Parliament. Because after all, they are now organising themselves into a profession. Let them be there. Why should they come to Parliament? Courts have been respected in the country not because of the fear which weighed on the clients or litigants; courts were respected because the lawyers respected the courts. The lawyers did it because they knew that the ultimate authority vested in the courts as regards their discipline etc. Now, as soon as you take away the jurisdiction of the courts in this matter, the Bar Councils become supreme in the matter of disciplinary action on their lawyer friends or fellow-members.

Shri Nathwani: May I point out that clause 38 of the Bill provides for appeal to the Supreme Court in some matters?

Shri Tyagi: Of course, it does. But is the Minister justified in taking out the jurisdiction of the High Courts over the Bar Councils? Why has he done it? That case has not been proved before Parliament. He is asking Parliament to agree to this. We cannot agree to this blind-foldedly. Let us be told what harm had came. After all, we have got a history of law for the last 200 years. In a case or two, there might have been a difference of opinion. But I want to know what has justified the taking out of the control of the High Court over the Bar Councils. The result is that lawyers hence onwards will not respect the courts any more now. In due course, you will find that the courts of the land would lose their prestige, and I say that will be through the members of this Bar Council. That is my fear.

In that crowd—I will not say 'crowd'—in that batch of competitors, the High Court judges were keeping the balance. Now even that balance will be lost. My fear is that ultimately the Bar Councils themselves will regret that they took this much of freedom. That is one point which I would like the Minister to consider.

Shri Narayanankutty Menon (Mukandapuram): What does he want Government to do?

Shri Tyagi: They can at least maintain the present position. It is no use making any change. Why take away the influence of the High Courts? They say they can go to the Supreme Court. Everybody can go to the Supreme Court whenever any injustice is done.

Shri Narayanankutty Menon: The Judges themselves say that they do not want to come in.

Shri Tyagi: Factually speaking, the Bar Councils even today have not been able to bring any moral effect to bear on the Bar Associations. The only thing is that litigation has become costly. Everybody knows that law has literally become a sort of fiction. It is not a reality. It has no real value recognised in society. Words and meanings are stretched. Basically and primarily, lawyers are responsible for delayed litigations, because they can get their fees. On small, little, frivolous technical grounds, cases get postponed, and they have no moral sense to realise the unfairness of it.

Shri C. R. Pattabhi Raman: May I point out that the Bar Councils come

[Shri C. R. Pattabhi Raman]

down very heavily on advocates who swerve from the right path, just like what is done to accountants? Many of them are struck off the rolls. The recommendations are there.. What is more, with regard to these fees, they are State levies. The Bar Councils have protested against them. In connection with stamp charges I have often quoted the *Magna Carta* saying that "to no one will sell justice" Stamp duties should be reduced.

Shri Tyagi: My hon. friend should not get annoyed. My lawyer friends must be prepared for a little criticism also. They criticise everybody. They have nothing but criticism to offer. That is all that they do. Let them be prepared for a little mild criticism from their brothers.

Then there is one point I would like to stress. There must be some control over their fees. Even in the case of tonga-wallas, hackney-coach drivers, buses and so on, the fares are controlled.

Mr. Deputy-Speaker: In legitimate criticism, why should he drag these poor lawyers to the hackney-coaches and tongas.

Shri Tyagi: I am mentioning them as a contrast. Even the smaller people, poorer lot, who deserve greater freedom, have their fees controlled by Government. Lawyers are big people. Their fees are comparatively fat fees. I say they are of a more dignified profession, no doubt.

Therefore, I submit that Government must see to it that persons who are entitled by means of government licences and government permission to practise in government courts must accept some control over their fees. Their fees are becoming absolutely exorbitant, to the extent that litigation has become must costly in India. The lawyers go on realising their fees. There is no control over their fees.

I agree that lawyers, like doctors, are a necessity. After all, lawyers would be needed in human society. There must be lawyers. I am not so much against the profession as such. But then there must be some control over their fees. Litigation is becoming so costly. All round in Parliament, there are lawyers. They should voluntarily accept control of fees. We are controlling the profits of practically all concerns, all industries. All profits are controlled. So why not control the lawyers' fees?

Shri M. B. Thakore (Patan): Would he get cases?

Shri Tyagi: My fear is that if these Bar Councils come into power.....

Shri Narayanankutty Menon: Without interrupting my hon. friend, may I ask him for a change to speak on the Bill? We are considering a very important matter which concerns a very high profession in this country. He may also bear that in mind apart from a little bit of loose talk he is indulging in.

14:46 hrs.

[Shri Jaganatha Rao *in the Chair*]

Shri Tyagi: I am sorry. I thought that the profession of labour was higher in dignity than the profession of lawyers. People talk quite lightly about labourers. My hon. friend must know the dignity of labour. I thought he was a Communist. But by profession he is not; he is something else.

Anyway, everybody has his dignity in Inida and, thererfore, all are at par. I am not going to agree to a supreme type of standard for lawyers alone. We are all one, whatever the profession. There must be dignity of labour. There may be intellectual labour; there may be other labour.

Shri Narayanankutty Menon: I accept that.

Shri Tyagi: Therefore, it is not a question of being disrespectful to them. Does he mean to say that their

fees should not be controlled? Are lawyers born directly of Gods or angels? After all, they are also citizens. If Government can control the profits of all the professions, why should the professton of lawyers be left untouched?

Shri Subbiah Ambalam (Ramanathapuram): May I say that advocate's fee is prescribed and limited unlike the fees of those belonging to other professions? That is a very fundamental thing.

Shri Tyagi: Then, wherever it is found that any advocate has realised from his client more than what was prescribed, that must be misconduct.

Shri Narayanankutty Menon: That is a misconduct.

Shri Tyagi: It is not so. Everybody knows it. Everybody pays the fees. That is another matter. Those who realise the fees may forget about that, but those who pay remember very well how much they pay.

Even if there has not been any control so far, the time has now come when the fees of lawyers must be controlled by law. They must not think that they can make profits more than the normal profits that may be granted to them.

Shri Hajarnavis: May I tell the hon. Member that the correct position is that the fees are not prescribed by any Act, so that it is not an offence to charge any fee which has been agreed to as a matter of contract between the client and the lawyer? But under the Legal Practitioners Act, if there is no contract, what the schedule lays down shall be presumed to be the contract between the parties. The reason why high fees are charged is that one particular lawyer may be very much in demand. Every member of the legal profession will say that one lawyer is nearly as good as another. But if you want one particular lawyer and many people go to him, he puts up his fees in order to save himself. Most of it goes towards income-tax.

Shri Tyagi: I am sorry. All around me there are lawyers. I should not be misunderstood.

Shri C. R. Pattabhi Raman: Will not the hon. Member choose his own doctor?

Shri Tyagi: I should not be misunderstood. When I fall ill, I have to consult a doctor. If I am arrested, I shall have to approach a lawyer for help. It is not as though I do not value the services they are rendering to the nation and to society. I do value their services.

Shri Hajarnavis: If he goes to the topmost lawyer, he will consider it an honour to plead for him.

Shri Tyagi: I cannot; that is what my hon. friend has misunderstood. I cannot because I cannot pay for a topmost lawyer. It is not possible. There are many people who are losing their cases only because they cannot afford to have higher talents. Therefore, I submit there must be some consideration. In the past, it was left to the clients. I hear that in England they never transacted any business with their clients; there was no haggling. But now here there is regular bargaining going on.

श्री जगदीश अवस्थी (बिल्हौर): जिन देशों में वकील नहीं हैं, वहां क्या होता है ?

Shri Tyagi: Therefore, my submission is this. I do not want to starve this profession. They are talented people. Let them have good fees; but let the clients know what they have to pay. It should not be left to haggling. It would be graceful both to the lawyer and to the profession also.

Shri Narayanankutty Menon: Are you prepared to guarantee a minimum income to the lawyer?

Shri Tyagi: I think, perhaps, some such consideration would be helpful. (*Interruptions*). My other difficulty is that they are also impatient. Anyway, my only warning at this

[Shri Tyagi]

hour is that ultimately, perhaps, the lawyers and advocates might regret the waning of the influence of the High Court Judges from the Bar Councils. My hon. friend has not yet given sufficient explanation as to why there has been this departure. Why is it that the High Court Judge's influence is taken away from the matter of discipline? After all, he would consult the Bar Council and he was not going beyond the Bar Councils. The views of the Bar Councils were taken into account and their views were generally accepted. Up till now even big lawyers like Motilal Nehru, Sir Tej Bahadur Sapru and C. R. Das had submitted to this. There was good relationship between the Bar and the High Courts. Why are you so much set against the High Courts that their influence is also being thrown out altogether? My fears are that, in due course, the Advocates themselves will regret the day when they shunted off the influence of the High Courts. The courts will lose a lot of their dignity if the lawyers refuse to respect them.

Shri Amjad Ali (Dhubri): As I was hearing my hon. friend, Shri Tyagi...

Shri Narayanankutty Menon: His peroration.

Shri Amjad Ali: As I was hearing his learned peroration, I heard him with patience—I am profited by the discourses he has given. All the time he spoke about the elimination of the High Court Judge from the Bar Council, I felt that he, as a glaxo boy, feels helpless in the midst of difficulties and does not know what to do.

Shri Tyagi: You are correct.

Shri Amjad Ali: I am glad he has accepted that. He should know that we have come to such a pass and to a stage when the lawyers in India are being given this opportunity of managing their own affairs after a long lapse of about 150 years of British rule in India. If not on any other ground, at least on this ground, that we are going to come to our own, that we are now feeling that we can manage our own affairs without the help of the Higher-ups like the High Court and the Supreme Court Judges, we should congratulate ourselves and say that the Joint Committee has done at least the good thing in eliminating the High Court Judges from the Bar Councils of the State—and the Bar Council of India. That will give us an opportunity to meet and deliberate and also to manage our own affairs in a manner which is consistent with the dignity of the profession, which is consistent with the learned profession to which we belong.

Regarding fees, Sir, you may be aware, being a lawyer yourself, that lawyers' fees are always grudged. If they get fat fees, others who are not lawyers would always grudge it. But the profession is such that to command big fee is the pride of the profession. That is the aspiration of any lawyer or any aspirant in the legal profession, that he would earn big fees. And if he cannot, he will slip down. That way his profession will have its end and will be simply marred. The beauty of the thing is that the real import of big fees is not understood. Big fees will be commanded by those high up in the legal profession. All are not able to command big fees. Big fees are commanded only by those that have become Seniors and have acquired a good deal of efficiency in the Bar. Devoid of efficiency you are not going to engage a senior lawyer at a very big fee.

Shri Tyagi has admitted that in case he is involved in litigation surely he will have recourse to a lawyer. In that case he may not be able to grudge the fees that may be charged from him, because a good lawyer who has spent years in the profession, a good lawyer who has done really good service throughout his career will

require a certain amount of good fees if he has got to accept a brief. That way juniors will have scope.

The other thing which I wanted to bring before this House—and it has been referred to by two of the speakers who preceded me—and with regard to which I feel strongly is the question of the dual system. This system obtains at Calcutta and Bombay. That is on the Original Side. This is a legacy of our British masters. This came into vogue at the time of British rule and it is still continuing. It is a legacy at Calcutta and Bombay—these two big cities—it is said, on account of businessmen and business magnates. It might have been a question of convenience. But there is a background. Barristers unacquainted with local languages needed help.

Solicitors and advocates are both lawyers. Both are engaged in preparing for litigation. Solicitors, as a matter of fact, pass on the briefs to the Advocates who plead. The Solicitors cannot plead; the Advocates do plead. As a matter of fact Advocates are engaged; but they are not allowed to do the work of Solicitors. The Solicitors, as a matter of fact, hold the king-pin. They have everything in their hands, either to make or mar the Advocates. Sometimes, it is said that in order to make himself a successful barrister he should marry the ugliest daughter of a Solicitor. There was a time, when, to become very successful, the Barrister had always to go to the Solicitors and ask them for their help. Without that they could not do. This is the other part of the story.

The question of litigants also is there. As a matter of fact, litigants also suffer because they have got to engage two sets of lawyers, one for pleading and other for preparing the cases. Here in India, we find the best example and it has been referred to by some hon. friends. A system has been evolved in the Supreme Court. There are a set of lawyer advocates and they prepare the cases. They draft plaints and also present the cases to the Court and at times they are allowed to go and practise in case the senior does not appear. But that system is not in vogue in Calcutta or in Bombay or, possibly in the original side of Madras High Court. . . (*Interruptions*).

15 hrs.

An Hon. Member: In Madras they have done away with the dual system.

Shri Amjad Ali: In great industrial cities like Kanpur and Ahmedabad, big business cases are also filed and these centres are carrying on without the help of solicitors at all.

The other point which I wanted to make about the barristers is about their exclusiveness in some High Courts. It has appeared in the Press and it has been criticised on the platforms. The barristers do not allow other advocates to occupy the same chamber or use the same library. This system was possibly handed down to us from the English masters. There was a time when this exclusiveness was there. The British barristers came; they did not understand our language. That was possibly the first difficulty with them. Later on, it developed in such a way that even when Indians returned from England, they also felt that in their borrowed plumes they should share the exclusiveness. They did not allow the advocates to come and sit there. This is something which should go immediately. I want to make some suggestions to improve the deteriorating condition of studies in laws. The process of deterioration was going to be accelerated when the suggestion was made that after pre-university course people should be allowed to enter the law classes and after undergoing this study, they would become lawyers and join the profession. This is a very dangerous thing. Till now, the position is that a commerce graduate or an arts or science graduate can go to the law classes and after

[Shri Amjad Ali]

passing from there, they can become a lawyer. If the suggestion that undergraduates or persons who have passed the pre-university courses can enter the law colleges it will be dangerous; it will deteriorate the standards further. After the graduation stage, my suggestion is, that instead of three years there should be only two years of law course. Some people who are in service attend the law classes at night or in the morning and during the day-time they go to their offices; this is not a wholetime job for them. I mean to suggest that law as a study should be as any other course. If law is taken seriously, it should be studied for two years. After that, they should go to an Articled clerkship, as it is in vogue in England. The Articled clerkship should be strictly enforced. Senior lawyers should see that the Articled clerks do not simply come to the court, sign and then go away. If he is allowed to do so, the efficiency is lost and the certificate obtained after six months or one year, will be in vain. I suggest that the seniors should be very strict in giving certificates.

Mr. Chairman: The hon. Member's time is up.

Shri Amjad Ali: There are only one or two points which I would refer to. During the discussion of the Demands for Grants of the Ministry of Law, the question of Legal aid to the poor was exercising our minds and some such provision could have been made in this Bill so that we would be satisfied that we are making a good beginning and that the poor in this country were in a position to get the aid of lawyers. The question of stamp duty was raised by some hon. Members. I think stamp duty should be there but uniform throughout the country. Not only in the interest of State revenue but also a check on the huge influx in the profession. To a great extent it will minimise the overflow in the Legal profession.

A very healthy provision has been incorporated in clause 6(2) that a State Bar council may constitute a fund in the prescribed manner for the purpose of giving financial assistance to indigent or disabled advocates. I believe a good beginning has been made. I hope the hon. Minister will give us an idea, while replying to the debate, how this can be effected. I have no idea of how a fund of that nature would be created and worked. If it could be done, it is welcome.

The last thing which I want to refer to is about clause 52. It says:

> "Nothing in this Act shall be deemed to affect the power of the Supreme Court to make rules under article 145 of the Constitution (a) for laying down the conditions subject to which a senior advocate shall be entitled to practise in that Court (b) for determining the persons who shall be entitled to act in that Court."

I have difficulty in understanding why this particular clause has been included. If it is the idea of this Bill that all the lawyers or advocates who are enrolled are allowed to practise from the lowest to the highest court, why has this provision been put in here? Why are these impediments put? The lawyers should be allowed to appear unhindered. Why should the Supreme Court lay down that such and such people should be allowed to appear?

That is all that I have to say.

Shri Tyagi: The hon. Member has united the Opposition with the Treasury Benches!

Mr. Chairman: Order, order.

Shri Shree Narayan Das (Darbhanga): Before you call the next Member, the time for the various stages of the discussion may be decided.

Mr. Chairman: What is the sense of the House?

Shri N. R. Muniswamy (Vellore): The time may be extended by two hours.

Shri Ram Krishan Gupta (Mahendragarh): The time for general discussion should be extended.

Shri Braj Raj Singh (Firozabad): I may also submit that you will have to extend the time for the Bill, because there are many hon. Members who would like to participate. We shall continue with the general discussion till the end of the day and take up the Bill again tomorrow.

Mr. Chairman: The House rises at 5 O'clock today. The general discussion may continue up to 5 O'clock.

Shri Braj Raj Singh: But it will not be limited up to 5 O'clock only today.

Mr. Chairman: Let us see.

Shri Nathwani: Mr. Chairman, Sir, the Bill has been welcomed by all sections of the House as it gives a statutory form to the long cherished dream of an all-India Bar. I want to say something about the provisions of the Bill so far as they relate to the continuance of the dual system, but before I do so, I would like to refer to the speech just now made by my hon. friend Shri Tyagi. He tried to make two important points as far as I could see. Firstly he said that judges should have been continued as members of the Bar Council and their dissociation does not spell good for the associations themselves. In this connection, I want to point out what the All India Bar Committee has stated. Their recommendation was that in order to preserve the autonomy of the Bar Council it was not desirable for the judges who had not practised as advocates to be associated as members of such committees. The Law Commission also unanimously recommended that the judges should not join as members of these associations.

Shri Tyagi: They are men of the profession. The Government ought not to be dictated to by men of the profession!

Shri Nathwani: If the hon. Member has patience enough, he would himself be satisfied, after listening to me, that judges should not be on these committees. The judges themselves do not want to be associated with these bodies. Therefore, my hon. friend Shri Tyagi was asking for something which the judges themselves have disavowed. If he knew this background I do not know how far he would have been enthusiastic in championing the cause of the judges being associated with bar councils. That is why I want to read out a passage from page 576, paragraph 48, Vol. I, of the Law Commission's report, where they observe as follows:

> "We wish to emphasize the principle of autonomy thus sought to be given effect to by the Committee.—

That is, the All India Bar Committee:

> "Our considered opinion is definitely against Judges who have never been advocates being brought into these autonomous bodies. . ."

Then they say:

> "The recommendation of the Committee that the Judges nominated should have been persons who had been advocates was, it appears, made deliberately with a view to prevent Judges who had not been advocates from becoming members of the Council".

Then they proceed further and say:

> "It may be pointed out that, notwithstanding the provision in section 4(1)(b) of the Bar Councils Act, in some of the States, the High Court has not chosen to nominate Judges as members of the Bar Council."

[Shri Nathwani]

So, the high courts themselves have refused to nominate, because the judges may be embarrassed if they associate themselves as members. When their views are expressed, the advocates who appear before them may oppose their views and this would stand in the way of their dignity. That is why the high courts did not nominate the judges as members of this committee. I know that the Bombay High Court always refused to nominate judges as members of this committee. It is not only the Commission who feel that the judges should not be associated, but several high court judges have taken this view, and it is in consonance with that view that the Joint Committee had dropped the provision in relation to the judges being taken as members of the committee.

I then come to the second point referred to by my hon. friend. He said that the remuneration of the advocates should be controlled or regulated. I know it is a laudable object. But you cannot view the subject in isolation, because it implies putting ceiling on the income of people belonging to other professions also, and the businessmen as well. But I know also that several eminent members of the legal profession have self-imposed upon themselves certain limitations on their income. I do not want to mention the cases, but a sort of tradition is being created whereby some eminent members of the profession do impose conditions of limitation upon their income. Shri Tyagi also should know that the fat income which a very few lawyers get is subject to income-tax.

Shri Tyagi: May I explain one thing? Most of the bigger, fat fees come out of the funds of companies, corporations, etc., which are income-tax free at that end, and those bodies can pay any amount.

Mr. Chairman: They are taxable at the hands of the lawyers.

Shri Tyagi: 12 annas, or sometimes 14 annas in the rupee come from the income-tax coffers, and therefore they can liberally pay. In the hands of the advocates also these amounts remain hidden; they are not shown in the returns.

Mr. Chairman: They are taxable at the hands of the advocates.

Shri Nathwani: Are not the lawyers liable to pay income-tax and super-tax on their income? They are. My learned friend should know that for a lakh of rupees that they may get by way of income, they pay Rs. 58,000 by way of tax. So, the balance is only a sum of Rs. 42,000, and if you do not allow some of them to get a fee like that, you will fail to attract brilliant people to the profession.

Shri Tyagi: Will my hon. friend agree if it is made a sort of mal-practice—that is, if evasion of income-tax is resorted to by this way?

Shri Nathwani: Evasion applies to all classes. Wherever you go, it is a general problem. You cannot say that the legal profession is particularly susceptible to this sort of evasion, as you call it. Is it suggested that there is some peculiarity in this profession whereby they are evading the payment of tax? It is a large, general problem and I do not want to enter into the merits and demerits of that aspect.

I wanted to deal with the question of continuance of the dual system. There are three notes of dissent in which contrary views have been expressed, though while listening to my hon. friend Shri Sadhan Gupta, I felt that his position was rather half-hearted and he expressed it in a halting manner. It is known that recently the question has been gone into by two extremely weighty committees—one is the All India Bar Committee and the other is the Law Commission. Both of them went into this question and examined the pros and cons of it and came to a conclusion. The Joint Committee also fully went into this question and though most of the Members of the Joint

Committee were lawyers, still, barring three hon. Members who differed, all have agreed to the recommendation of continuing the dual system. It is admitted that this system is an efficient one and it makes for expeditious disposal of the matters. It is based on division of labour and, therefore, it leads to a better and thorough presentation of the case and enables a quick disposal of cases. These are the merits of the system.

But the principal objection to it has been its costliness. I say the objection, namely, that this is very costly, is mainly based on ignorance of facts, and partly it is based on prejudice. I practise in the Bombay High Court on the original side, and I know the conditions which prevail there. I know that during last 15 years, from time to time, the scale of fees to be paid and the rules for taxing the bills have been revised and improved upon, and the amount of costs involved has been considerably reduced. In 1954, when the Court Fees Act was applied, still this system was allowed to be continued. My friend, Shri Sadhan Gupta, was referring to this fact. He tried to make a point that in cities like Bombay and Calcutta, the commercial community could pay two sets of lawyers—attorneys as well as advocates—because there was no Court Fees Act. but then after the introduction of the Court Fees Act in Bombay, the system has continued there. In this connection, in order to appreciate whether and how far it is expensive and costly, you must bear in mind certain facts, *viz.*, so far as the Bombay High Court is concerned, its original side jurisdiction is restricted only to suits of the value of Rs. 25,000 and onwards, with the result that there are hardly about 400 cases, which are of a complicated nature or serious nature involving large amounts that are tried on the original side.

Secondly, in 1954, when the Court Fees Act was applied, the then Chief Justice, Mr. Chagla, got an analysis of the bills of costs for two years made, which conclusively proved that the system was not costly, as it was alleged to be. Lastly, it has always been stated that if you find the system costly, the remedy would by way of devising ways and means by which you can reduce the cost.

I have read carefully the arguments which are referred to in the dissenting note of Shri Sadhan Gupta. He also adverted to them briefly here during the course of his speech. He tried to say, it may be that the business community which is a well-to-do community can afford to pay higher costs and get more efficient service, but what about other cases which are of a simple nature and which do not involve any extra labour and do not require the service of two sets of lawyers—attorneys as well as advocates. To that my reply is, if the case is a simple one, if the case is one under Order 37 of the CPC, which is the class of cases he has referred to in his note, if my friend has studied the rules on the original side, he would have been surprised to find that it is not necessary to engage two sets of lawyers. Solicitors do appear in a matter like this when summons for judgment is taken out. He appears if it is a suit regarding promissory note, hundi, etc. A summary suit will always lie at this stage and it is the attorney who appears. As far as the Bombay High Court is concerned, it is not true that he cannot plead. He does plead; he does appear on summons for judgment. He appears in insolvency cases, testamentary cases, etc. It is only when a case is controversial and heavily contested, that it is transferred to the long cause list and he cannot appear. Two sets of lawyers are then engaged, which according to him also, would be necessary in a case like that.

He has said there is a sort of compulsion, because you must engage two sets of lawyers. To that an effective reply has been given by the Commission itself. Arguments have been adduced showing how under the present system, in other parts and in other conditions also, there is a compulsion

[Shri Nathwani]

Firstly, in this Bill itself, we have a statutory provision for junior and senior advocates. The senior advocate cannot act in certain cases without the assistance of a junior. Is there no compulsion in that kind of thing?

Shri Sadhan Gupta: The litigant is not obliged to engage a senior.

Shri Nathwani: Here also it is left to an advocate to choose voluntarily and enrol himself as an attorney or as an advocate. Where is the compulsion upon him to choose to be an attorney or advocate? Just as a man chooses to be a senior, likewise he can choose to be an attorney or advocate.

Shri C. R. Pattabhi Raman: Bombay is slightly different from Calcutta.

Shri Nathwani: Secondly, under the system which prevails in the Supreme Court, have we not got advocates on record? An advocate who is not an advocate on record, cannot appear unless he is instructed by an advocate on record. Therefore, there is nothing unique in it. There are other parallel, analogous and similar provisions where you find that an advocate cannot plead in every court wherever he likes.

Another point made out in the note of dissent by Shri Sadhan Gupta is, he says, it prevents interchanging of functions. So far as Bombay High Court is concerned, I can tell him that there is nothing in the way of an attorney converting himself into an advocate. There are several examples of eminent attorneys having changed themselves into advocates. No question of his inability to secure Rs. 500 or Rs. 750 which would be necessary for him to enrol as an advocate has arisen. He succeeds in his profession as an attorney and after earning a reputation as an attorney, he wants to display his forensic ability and therefore, he converts himself into an advocate. Likewise, an advocate also finds no difficulty if he wants to convert himself into an attorney; but in his case it is generally considered that a man has failed in his profession as an advocate tries to become an attorney.

Lastly, it has been said that this system only exists in the High Courts of Bombay and Calcutta. It is true it has been abolished in Madras. But may I read a passage from an issue of a magazine called *Lawyer* published from Madras, which contains the following observations on the dual system:

> "The plan of the Bill is to ensure a single and uniform type of legal practitioner to be called advocate.... But then the new Bill aims to perpetuate the dual agency in the High Courts of Bombay and Calcutta on their original sides.. Speaking for ourselves, we entirely approve of that step as we have always felt from personal knowledge and experience that a well-organised and efficient dual agency definitely makes for better and more thorough preparation of cases and the reasonable sharing of heavy responsibilities between the two agencies, which lends scope for a more satisfactory disposal all round. We cannot help feeling that the abolition of the dual agency on the original side of the Madras High Court was the result of a hasty decision coloured to some extent with some prejudice on the part of those who were in a position to decide the question....Many persons in the know, including several experienced members of the Judiciary, hold a different view today."

This is position regarding the Madras High Court.

I submit that there is no case made out for making any departure from the provisions regarding dual system as they are in the Bill.

Shri Mulchand Dube (Farrukhabad): I congratulate the hon. Minister

for bringing up this Bill, which has the effect of not only unifying the bar, but also conferring an independent status on it. I should like to quote a passage from the Law Commission's report:

> "We have been at pains to find out how and on what principle entrance to this profession came to be taxed when no similar impost is levied on entry into other professions. We have not been able to discover any sound reason or principle for this levy. So far as we know, though payments have to be made to professional bodies like the Inns of Court or the Law Society, no fees are levied in England by the State for the issue of a licence to practise the profession. Nor are we aware of any such fees being levied in the United States. In our view, this imposition is totally unjust and should be abolished."

The hon. Deputy Minister has also taken a similar view. He said in his opening speech that the matter may be taken by some advocate to the High Court and a decision obtained therefrom. My submission is that this kind of thing does not seem to be necessary.

The question is, how this is to be done. In my view the Union is quite competent to make a law in that respect. Only the actual rate of stamp duty has been left to the States, but the items on which the duty is to be levied are the special provisions of the Union. If the item which imposes duty on entry as an advocate, an attorney or a solicitor is omitted from the Stamp Act, the States I think have no power to impose that duty. That duty differs from State to State. To the best of my information, the duty varies from Rs. 500 to Rs. 1000. The Bar Council charge a fee of Rs. 250. I am grateful to the Joint Committee for having redued the duty from Rs. 500 to Rs. 250. Therefore, Rs. 250 plus Rs. 1000 or Rs. 500 makes Rs. 1250 or Rs. 750. Whatever it may be, it is a very large sum for any entrant to the profession.

There is another aspect of the matter also. When we want a unified Bar and there is only one class of members in the Bar, the question arises as to how we are giong to attain this. At the present moment, as entered in the definition clause, a legal practitioner means an advocate, vakil or attorney of any High Court, a pleader, mukhtar or revenue agent. How are we going to improve the status of a revenue agent or mukhtar, if we continue to levy that fee and we also continue to discriminate against them and say that those persons will not be entitled to be enrolled as advocates because the clause that prescribes the qualification for entry as an advocate does not mention that revenue agents or mukhtars will be able to do so?

Sir, my submission is that revenue agents or mukhtars, who are a dying race, should also be permitted to enrol themselves as advocates if they have put in a certain number of years service. We might fix the period as 10 years, 15 years or even 20 years. In my State the examinations for revenue agents and mukhtars have been abolished. There are a few persons who have put in 15 or 20 years service and who are at the present moment practising. I do not think it would be at all proper to debar those persons from being enrolled as advocates. I think that this permission should be extended even to the mukhtars and revenue agents. I have seen those people working, and I can say with confidence that they are in no way inferior to the advocates in that branch of practice to which they are entitled. So there is absolutely no reason why this should not be done.

With regard to stamp duty, I may point out some provisions of the Constitution. To being with, Sir, I shall qoute entry No. 78 of List No. 1, which is the Union List. It reads:

> "Constitution and organisation of the High Courts except provi-

[Shri Mulchand Dube]

sions as to officers and servants of High Courts; persons entitled to practise before the High Courts."

Therefore, the Union has power to organise the persons who would be entitled to practise before the High Court.

Then we come to item No. 63 of List No. 2, which reads:

"Rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty."

Therefore, the State Governments are only entitled to fix the rates of stamp duty. The documents on which duty is to be paid have to be prescribed by the Centre. Therefore, the legislation with regard to the documents on which duty is to be imposed is the province of the Union and for that reason my submission is that the matter should be left to be decided by the same power without somebody saying that the State Government has no right to impose that stamp duty.

My submission is that this kind of thing is not necessary, because in the Concurrent List, in item No. 44, it is said:

"Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty."

Therefore, it is only the rates of stamp duty that are the special province of the States, and the rest of the thing, as to whether a particular document is or is not liable to stamp duty is the province of the Union. My submission, therefore, is that this legislature is quite competent, in spite of the provisions of article 246 of the Constitution, to enact a law and say that this duty is not leviable.

Apart from this, if we do not do that, we shall be defeating the very object for which this Act is being enacted, for the simple reason that in spite of the fact that we want one class of persons as advocates as shall still have a large number of classes and those classes of persons will continue to exist in spite of the laws that exist in the States. The hon. Minister should consider this matter afresh and if necessary take the opinion of the Attorney-General or some other competent authority, with reference to the articles of the Constitution and then come to the conclusion as to whether the duty is to be levied or not.

There is one other aspect of the matter, and that is whether the High Court will have the power to allow or disallow a person from appearing or practising in a particular court. My submission is that the High Courts should not have that power. If the Bar is going to be an autonomous Bar, a unified Bar for the whole of India, the matter should be left to the Bar Council alone. They should be the persons entitled to enrol advocates, and once an advocate is enrolled there does not seem to be any reason why that advocate should still have some permission to obtain or some rule to follow before he is allowed to practise. The Supreme Court and the High Courts have been given this power. My submission is that that power does not seem to be necessary.

Sir, I welcome the Bill and congratulate the hon. Minister for bringing it. I support the Bill.

Shri Narayanankutty Menon: Mr. Chairman, Sir, regarding the Bill as reported by the Joint Committee I only wish to make certain general references regarding the Bill as a whole. When discussion began on this Bill, certain voices were heard from different parts of this House which have a tendency to cast certain doubts and, to an extent, aspersions on the provisions as a whole. I am speaking on the lawyers' profession as a whole, and I wish to submit before this House that those aspersions and also misgivings expressed in the speeches of some of the hon. Members

are not at all supported by reason or have got any factual basis. In spite of all that has been said against this profession, and is being said, in this country, I wish to express myself that I am still proud to say that I am a lawyer and I am still proud to be in the lawyers' profession in the country.

Shri Khadilkar (Ahmednagar): There is no more exploitative profession in this country.

Shri Narayanankutty Menon: I will come to that. When hon. friends like Shri Tyagi, who have got more and more experience than me in public life, who have got opportunities to come into contact with persons in the profession and also deal with the profession, when they make certain observations like this, we are only sorry that they have not been a little more informed or they have not been a little more reasonable in their remarks regarding this profession. And if there is any basis for the allegations and aspersions made against the lawyers' profession as a whole, that basis emanates from the fact that the lawyers are part and parcel of the society that we are living in today, as my hon. friends are part and parcel of the society, and whatever prevails in this society finds a reflection in the lawyers' profession. So, I wish to submit that whatever shortcomings are found in the profession are not a special feature of this profession, because the entire creed of the society finds its own reflection in every profession and I do not doubt that any hon. Member of this House will disagree with me when I say that all the characteristics of this society will be reflected even in this highest august body, that is, the Parliament of India. Therefore, to isolate this profession for attack, even though legitimately for substantial grounds, is certainly a disservice to one of the noblest professions of not only this country but of the whole world. If there are legitimate criticisms to be made, if hon. Members feel, as quite rightly I also feel, that a lot has to be said against this profession in general, this is not the way to deal with it, because, as responsible people who have been given the authority of legislating upon this particular profession, they should spend some more time in thinking over what are the roots of this malady. Then they will understand that what I have submitted earlier is the most legitimate explanation that could be given.

The first point that has been dealt with by Shri Tyagi is the exorbitant fee charged by the legal profession in general. If I say that the hon. Member was talking with total ignorance behind it, I may be accused of presumptuousness, but I say that he has dealt with only such cases of lawyers who are numerically the smallest number in the profession, and that is why he is talking like that. Throughout the States, and even in the Supreme Court of India, there are a large number of lawyers who are finding it impossible to be in the profession, because they are not able to get even the minimum necessities and requirements of life. I would have been quite satisfied if a senior member of this House, when he talked about the exorbitant fees charged by a minority of lawyers in this country, also said something about the thousands and thousands of lawyers who are quite unfortunate in this profession and who are trying their level best and just fighting for their existence in the profession and, at the same time, to be in this profession. I am sorry that it has been completely left over by the hon. Member.

A little attempt has been made in this Bill that by means of the community's interest certain assistance may be given to the members of this profession, and that itself signifies that the members of the Joint Committee were conscious that something serious is there, as far as a large majority of the members of this profession are concerned, and a humble and earnest effort should be made in order to find out some sort of financial support to the profession in general.

[Shri Narayanankutty Menon]

It is not the case of anyone in this House that some of the lawyers should charge exorbitant fees and we do express ourselves that good reason and conception of their own morality should prevent them from charging a higher fee. But it will not be possible for this House to legislate and put a ceiling upon the fees because it will be completely impracticable to implement that provision.

Today the situation in the country, as my hon. friend Shri Raghubir Sahai has put it, is deplorable as far as getting of justice is concerned. The main reason is not the lawyers alone. There are so many other reasons. The first point is that the cost of litigation is mounting up in such a manner that those legislatures which are fixing up the ceilings of the court fees in this country are not taking into account the *per capita* national income in the country. The fundamental rights guranteed by the Constitution are guaranteed to every citizen irrespective of the fact whether he has got in his pocket Rs. 25 or Rs. 50 to file a writ application in the court.

My friend talks about lawyers' fees. Let him forget about it, because there are abundant numbers of lawyers throughout the country who are conscious about their own profession, about the fundamental rights of people, and who are prepared to give free service to those citizens who are really in danger. But my friend forgets that in spite of the availability of the free lawyer, the person will be prevented from entering the doors of the temples of justice unless he has Rs. 25, while that man does not earn a single pie. If my friends on the other side give a little more thought to the real impediment of getting justice they will see whether the lawyers are responsible or other factors. If they say that the lawyers are responsible, they will be doing the greatest disservice to the profession and to the people of this country, because a large number of lawyers today are actually serving the people. They are conscious of their rights, irrespective of the money they are getting. Otherwise you will not find in the High Courts the number of writ applications mounting up like anything. And where the fundamental rights of even the humblest citizen are affected, irrespective of the question of fees you will find many lawyers taking up these cases and getting justice to these people.

Therefore, if my friends want to find out the real place where justice is delayed and prevented, it is not due to the lawyer, even though a small numerical minority in the profession might in a manner be found fault with, but due to other reasons.

There is one other aspect concerning this point itself which, for want of time, I could not go into. Let my hon. friend Shri Tyagi, and I would include Shri Khadilkar also because he gave me a warning that he was going to speak about this question of exploitation, consider this. Apart from the Rs. 25 for writ application aggrieved by an order of the High Court—not on the civil side where property is involved, but with respect to the property which has been guaranteed to him and vested in him under Part III of the Constitution—if he feels aggrieved and wants to go to the Supreme Court, he should have Rs. 2,500 in his pocket if he wants to vindicate the right guaranteed to him under Part III of the Constitution. Even in respect of articles 32, where he has got a fundamental right which is incorporated in Part II of the Constitution and which the people of India in all earnestness have given to him, if he wants to get his right vindicated in the Supreme Court under article 32 of the Constitution, he should have Rs. 2,500 in his pocket. But you say in this Parliament that the *per capita* national income in this country is only Rs. 216. This anachronism requires serious consideration from Members on that side, rather than any consideration about a few advocates working here and

there who are supposed to be the real impediments to justice.

Shri C. R. Pattabhi Raman: My hon. friend was not here when the hon. the Law Minister assured the House on another occasion, that is during the discussion of the Demands of the Ministry, that he will convey the feeling of the House to the Supreme Court on this point. He himself felt that it was too much.

Shri Narayanankutty Menon: The hon. the Law Minister will himself agree. But I was reminding the House as to where the actual impediment is.

Now, a point was made regarding the advocates getting cases postponed and about the delay in justice in these courts.

Pandit K. C. Sharma: That was due to ignorance..

Shri Narayanankutty Menon: That question was also dealt with in the Law Commission's report, and many people have thought over it. I do consider that, apart from stray cases, you cannot find fault with the lawyers themselves, that they are responsible for getting the cases postponed and therefore delay in justice is there.

I agree with Shri Tyagi when he says that he is supposed to express the sentiments of the people. There is unfortunately a feeling in this country in the minds of the ordinary citizens that the lawyers are an exploiting class and a detestable class. And a sort of feeling is almost rising in the minds of the people that a lawyer is not to be believed much. Unless you are driven to a corner to protect your rights or your liberty or your life, you should not go to a lawyer at all; it is only then that you are driven to a lawyer, and that too, not is a formal way. That is the feeling that is rising. That is not because the individual concerned in this profession has gone too bad; the individual concerned in this profession has not gone worse than the individual who is his neighbour in the medical profession or in any other profession or the hon. Members of this House. There is a certain social background to this, and I would come to that again. That social background is there, and in the context of that social background, this sort of feeling is there, and we, the Members of this House, and the members of this profession should try our level best to see that this sort of feeling in the minds of the people is removed by our own conduct. That is the only remedy to remove this apprehension from the minds of the people.

I would like to say a word about the preparation of cases by the lawyers, and the other matter to which it undoubtedly leads me on, namely the position of legal education in our country. At this time, when we are passing this law, even though it is not directly concerned with this, I should express my feeling, a feeling which I have got from the opinions of eminent and learned men, that the standard of legal education in this country is going down day by day. This deplorable fall in the standard of education is inevitably reflected in the standard of the Bar and to an extent in the standard of the Bench too, because that is inevitable. Therefor, when we are passing this Bill, we should express our apprehensions unanimously about the fall in the standard of legal education, and the consequent fall in the standard of the profession and also in the standard of the Bench, and some serious thinking will have to be done so that there should be a lifting up of the standard of legal education and a consequent lifting up of the standard of the profession.

As regards the standard of the profession, you will find in any Bar today that the very, conceptions of the legal rights, the legal obligations and the legal liabilities, and the standards of the law and the nature of the law, are undergoing fast changes, even as our economic and social conceptions

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are undergoing a revolutionary change. The old conception of property rights, the old conception of the land tenure system in which many lawyers used to have many cases, are fast disappearing, and new avenues are being opened for the lawyers, by means of the new types of law, just like the industrial law, or the taxation law and so on, because law also changes just as society changes. An ample opportunity is there, and a wonderful vista is being opened for the lawyers. But, unfortunately, we find that many of the lawyers do not take advantage of the new openings in law, and consequently, there is a lowering of the standard in all these facets of law, whether it by the industrial law or the taxation law or any other law. In order to justify the eminent position that this profession should hold in the society, the lawyers should endeavour their best to appreciate the spirit of the changing times and the changing laws, and then only they can say that they belong to this noble profession which is the custodian of the rights of the citizens of this country.

Lastly, when we are passing this Bill, I would like to say that certainly it is a glorious day for the entire profession in this country. For a long time, the legal profession in this country has been aspiring for a unified Bar throughout India, and we are achieving that position now, and not only that, but, as all the hon. Members have remarked, for the first time, the destinies of this profession are being relegated to the members of the profession themselves, and they are the masters of their own destiny. My hon. friend Shri Tyagi made a very sorrowful remark that if we delegate to ourselves the entire rights of deciding about ourselves, certainly, that would be open to malpractices. My hon. friend forgets that he is a Member of this House and this House has got complete sovereignty to decide the destinies of this country. Is it not possible that because of our own shortcomings the entire destinies of this country may go astray? Therefore, as it is in the case of this House that there must be sovereignty for us to decide our destinies, we will have to place reliance on the members of the profession to see that the standard that is required is maintained by the members of the profession themselves. We should hope that the members will certainly discharge the responsibility and trust placed on them.

In conclusion, I wish to make an appeal. It is not possible for every citizen in this country to get his rights vindicated. There are so many impediments economic impediments. The members of the legal profession should take it upon themselves as part of their sanctified duty to see that they are in the vanguard in the service of the people in the vindication of the rights conferred upon the people by the Constitution. The lawyer should be the jealous guardian of the rights of the citizen. Wherever the executive infringes the citizen's rights, the lawyer should, irrespective of monetary or any other considerations, stand in the forefront to vindicate this right and prevent the executive from infringing upon the rights of the citizen. By this alone, the profession can command the greatest respect that it should, and then only the name of this noble profession will be written in golden letters in the annals of this country.

Mr. Chairman: Pandit K. C. Sharma. Hon. Members may limit their speeches to ten minutes each, as there are many hon. Members who want to speak.

Pandit K. C. Sharma: Shri Tyagi and an hon. Member behind me questioned the very claim of the lawyers to what is called an intellectual profession of some dignity and some respect. I may quote Banes:

> "Laws and lawyers are today the most important and directive element in our civilisation. Our technique of production may be determined and controlled by science and machinery, but our

institutional life is dominated by law and lawyers. Ours is as much a lawyer-made civilisation on its institutional side as the civilisation of Assyria and Rome was a military one and that of the middle ages a religious one".

Even in the days of Roman supremacy when the Roman lawyers took to excesses, it was the Greek stoic lawyer who stood against mighty forces and showed him the law of truth and wisdom. Later on, it was an English lawyer who fought against slavery and suffered for it. Then it was a lawyer President who got the shot for the protection of liberty.

Not only that. In our own land, it was the lawyer-saint who received three bullets for standing for the right of man as such. No other profession in the world has sacrificed so much for the common good of the common man as the profession of law has done.

Take the recent history of India. All the great names, Tyag Murti, Deshbandhu, Tyagapriya Deshpriya and Lokamanya, belong to the legal profession. Who gave them the spring of action to fight for the noble cause? Training in the legal profession. The instinctive courage to fight for the righteous cause is the lawyer's privilege; throughout the long history of human progress, the legal profession has played its prominent part.

16 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

As Ruskin has put it, the lawyer's duty is to enforce justice in life and if an occasion arises where he has to countenance injustice, it is his duty even to lay down his life. Every lawyer—every member of the profession—is not up to the standard; but, lawyers; as a class, have played their part well.

So far as this Bill is concerned, I am grateful to the Joint Committee for improving the Bill. They have done wonderfully well. There is the question of stamp duty. It has been dealt with by so many friends. The Law Commission has said about it that it cannot be supported on any ground. They have said:

> "We have not been able to find any sound reason or principle for this levy." That is the stamp duty. "In our view, this imposition is totally unjust and should be abolished."

So, this stamp duty needs to be abolished and a directive or advice may be issued by the Central Government to all the State Governments.

The other thing is this examination business. In England, the parctice is that a man is qualified by examination in law to be called to the Bar. He has to get some training with a senior Advocate and he joins a Chamber. Here, in section 24d, it is:

> "He has undergone a course of training in law and passed an examination after such training, both of which shall be prescribed by the State Bar Council."

My respectful submission is that once a graduate has got the degree in law and has undergone certain trainnig with a senior at the Bar, there need be no further examination for enrolment. It is worng. You may make the curriculum for the law examination more strict or the examination much more detailed. But, after having graduated and after having got the requisite training with an Advocate, it is not necessary to undergo an examination. Many complications arise and this is rather iniquitous. So, I thing the Law Minister will accept that it is not necessary.

So far as the dual system or grouping is concerned, Shri Sadhan Gupta has dealt with it quite extensively and he has better experience in this respect than I can claim to

[Pandit K. C. Sharma]

have. About this the Law Commission says:

> "The division into groups seems to owe its origin to the division between Advocates and Vakils which prevailed in Calcutta and some other High Courts. The Advocates who practised mainly on the original side were members of the English Bar, both Englishman and Indian. They formed themselves into Bar Associations or Bar Library Clubs and segregated themselves from Vakils who had their own associations. These Associations were probably started by members of the English Bar who, for a considerable number of years, had made the Original Side of the High Court, their exclusive preserve. Indeed, it was believed for a considerable time by the litigant public that the Barristers who formed these Associations were a type of lawyers superior to the Vakils who had Indian qualification."

Further they say:

> "We are living under a Constitution which enjoins equality before the law. The bar throughout, it is hoped, is about to reach its ideal of unification. The profession when united can rise to even greater heights of distinction and service. It is certainly anomalous that in these circumstances that the bar should still remain split in different groups."

So, if some member s of the English bar and some Indian barristers also from a different group, it does not look very decent or dignified and it should be done away with. So far as the dual system is concerned, it is not only unnecessary but it is cumbersome and it costs people much. In small cases, there is no sense in engaging two sets of persons, one simply darfting the berief and the other simply pleading. Even in the Supreme Court, I suppose, after due consideratton, they have devised a way of doing things which is much more helpful and is working quite satisfactorily.

I hope that the provisions will work in a much better way and would be servicable to the people and that the Bill, when passed into law, will improve the condition of the profession.

Shri Aurobindo Ghosal (Uluberia): Mr. Deputy Speaker, my hon. friends, Shri Narayanankutty Menon and Pandit K. C. Sharma have tried to vendicate the position of the lawyers. I am delighted to hear their speeches but the grievances or complaints made by the people are also generally true to a great extent. What are the conditions of the courts in the districts and sub-divisional towns? They are dens of thousands of malpractices and corruptions. I can cite thousands of instances as to how these malpractices and corruptions are being practised by the lawyers themselves for the interest of the litigants. They do it, of course, due to economic reasons; because they are poverty-stricken. Still these are being practised by them for earning money.

Mr. Deputy-Speaker: If I may be allowed to interrupt, I have to say that I take strong exception to this attitude by some hon. Members. When the hon. Members have spoken, they just pick up their papers and go away; they do not show this much courtesy to the House to resume their seats after fiinishing their speech. They finish their speech and without even resuming their seats, they just walk away as if they had been invited here to make a public speech. It is very bad and very wrong on their part. Hon. Members would show this much courtesy to the House; after finishing their speech, they must resume their seat and afterwards, if they want to go away, after some time, they may go.

Shri Aurobindo Ghosal: The economic conditions of the lawyers are also

very mucsh appalling. For this reason, I welcome this Bill it tries to iron out the differences that exist at the present moment among different categories of lawyers. Secondly, it is for the first time that a norm is going to be set up for the legal profession. In spite of it, I doubt how far this Bill would reduce the gap of earning between persons who are at the top and persons who are at the base. The difference is bound to be there between person and person in respect of intellect and merits. Moreover, fortune and apportunity, apart from talent and merit, play an important role in shaping the future of the lawyers. Nevertheless, the wide gap that exists at the present moment will be reduced to a great extent if the provisions of the Bill are implemented correctly.

My first suggestion would be to raise the standard of legal education. At present, in most of the States, legal education is offered as an off-time study. In the Calcutta University, I know that this is a by-product of post-graduate education. The students themselves do not know when they pass the law examination. They have to attend only for one hour every day for the law courses, and naturally, when the students pass the law examination, they do not acquire any legal knowledge from the colleges. With this poor equipment, they come to the courts, and so, I suggest that tn order that there should be an element of seriousness in the subject, the law course should be synthesised into two years, and the course should be a whole-time one.

Secondly, I refer to the probation period. I do not know the conditions in other States, but in Bengal in the district courts, they have introduced a system of proxy. Just as in colleges, in my State, there is a tendency for the probationers to be absent, and they have introduced, as in colleges, the system of proxy. Most of the probationers go on working merrily elsewhere, and complete their probation by meagre attendance in the district and other courts. Thus they do not acquire any experience in their probation period. Therefore, this matter as to how this probation period could be utilised by them to acquire experience in the legal profession should be looked into.

Thirdly, I may refer to the bar libraries. Many Members have the experience of visiting the mofussil courts and they have seen that these bar libraries have got no important law books. These libraries cannot even subscribe to good law journals. So, some provisions should be made to this effect, if they want to raise the standard of the legal profession. Some provisions should be made to equip the bar libraries at least with the fundamental law books and important law journals.

Lastly, I refer to corruption. I submit that the wohle administrative section of the judicial system has been perforated with the gangrene of corruption. Tips and bribes have been fixed according to the court and according to the subject-matter of the case. If there is an injunction petition, Re. 1 is given; for sanctioning postponement of time, it is ten annas. If it is the sub-judge's court, it is ten annas, and if it is a munsiff's court, it is five annas! These are the expenses and even the judges say in their judgments or orders that the legal expenses are so much, etc. This question has to be gone into.

For instance, in the Howrah district court, there are civil and criminal registration sections, and there, we once took an approximate account of the expenses incurred. It showed that Rs. 20,000 per day come out of the public pocket as bribe to the court people. We made one good attempt in the Howrah district court when Shri Sukumar Sen, who is an ex-Election Commissioner, was the district judge there. We placed some boxes there and the following inscription used to be written thereon was: "Both giving and taking of bribes is.

[Shri Aurobindo Ghosal]

sin". If an anonymous letter is dropped into the box, it will be also attended to. But after two years, when the boxes were opened—there were about 15 boxes—not a single letter of complaint was found in them. Then we started reviewing the position. I told them that it was impossible to get any complaint because these tips and bribes are given and taken on mutual agreement. The procedural law is so bad; there are many loopholes. In order to get some advantage in litigation pay these bribes. On the other hand, the salary of the people who work in the courts as clerks, etc., is so low that they are bound to accept these tips and bribes in order to supplement their income. A graduate clerk is getting just Rs. 70 a month. Naturally, he has got to earn Rs. 2 or Rs. 3 a day as extra, that is good for him; and unless he gets it, it is not possible for him to maintain himself and his family.

Again, a man who is giving a bribe wants to avoid payment of say, Rs. 12 or so, which should otherwise be spent. If we have to proceed legally and wish to engage a laywer and make an application and move the court and get the permission of the court to see the records before the sheristadar that takes time, as the Sheristadar of the court is a very busy man. But if I pay just ten annas to the clerk concerned, I can get a piece of information, a single fact, from the file! That could be done in two minutes. So, one thinks as to why one should not pay just 10 annas as bribe and get the information. The whole procedure should be amended in such a way that there is left no loophole for corruption.

Then, the salaries of the poor officials should be increased. In Bengal, there are peons who get Rs. 17 per month. Even our servants get more than Rs. 20 for a few hours' work a day, but the peons in the civil courts get Rs. 17, because the Government know fully well that they will get money by bribes. This system should be abolished.

Regarding high rates of fees of lawyers, it is quite true that some lawyers are taking high rates of fees. Shri Nathwani said that it will be realised by way of income-tax, super-tax, etc. I have had dealings with so many lawyers. They want fees in cash, so that income-tax may be avoided. They are not issuing any receipts also. That is the actual state of affairs. So, it is no use saying that if they earn more, that will be deducted by way of super-tax, income-tax, etc. Everywhere there are honest people and excepting a few lawyers who are honest, this is the general practice. So, I would like some sort of arrangement or some sort of persuasion to be made, so that big lawyers can curb their apetite for higher fees.

Regarding the practice of retired Judges and retired Government officials, recently in industrial courts, retired Judges have begun practice as soon as they have retired. What happens? The employers throng to give them beriefs in the expectation that the retired judge will be able to influence the existing judge, who was once his colleague. In some cases, in the district courts and other courts, the law officers of all the railways after their retirement, at the fag end of their life, come as lawyers and take away all the railway cases, because the law officers can have an influence on the law department of the railways. One or two law officers have been heaped with briefs. This is wrong. They should not be allowed to practise at the fag end of their retired life, while drawing their gratuity and provident fund from Government, because this will instill a sort of corruptive influence amongst the litigants.

Regarding the court fee charges, much has been already said. We talk of free legal aid, but first we have to reduce the court fee charges, which are very high. Considering the financial condition of the people of our country, the court fees are too

high for them to get justice from the courts. Even when justice has been done, it is very difficult to get it implemented. For instance, suppose in a partition suit of Rs. 5 lakhs, there are 5 co-sharers and a man gets a preliminary decree. Before taking the final decree, he should pay the court fee on the whole amount of Rs. 5 lakhs, which the other co-sharers do not pay. It is impossible to get the final decree unless he pays all the court fees on the whole amount of Rs. 5 lakhs. So, he sits with the preliminary decree for all his life, without being able to get the final decree, because of the high court fee system that is prevailing at the present moment.

It has been already pleaded that solicitors can prepare briefs very well. But in the district courts also there are many civil lawyers, many well known lawyers who can also prepare pleadings, the best from of pleadings. Naturally, I do not find any need of the solicitors in the High Courts, because the huge amount paid to solicitors can be realised by Government by way of court fee. In order to provide for these solicitors, the Government is losing. Sir, I always favour the abolition of solicitors from the Calcutta and Bombay High Courts.

Regarding stamp duty, I would like to plead that the stamp duty for lawyer's or advocate's license should not be prohibitive. It will have to be brought down. We have to look to the appalling conditions of lawyers at the bottom who are not in a position to pay the advocate's license fee if it becomes prohibitive.

My hon. friend Shri Sadhan Gupta has already said that option should be given to litigants to decide which set of lawyers they should appoint, whether junior lawyers or senior lawyers. My suggestion would be that option should be given to them to appoint either a senior or a junior lawyer but it should be made clear that if any person appoints a senior lawyer, if any person has the luxry to appoint a senior lawyer, he must appoint a junior lawyer, because otherwise the purpose of this Bill will be thwarted if junior lawyers are not given that opportunity.

Shri Sadhan Gupta: That is the existing law. Senior advocates must be accompained by juniors.

Shri Aurobindo Ghosal: In conclusion, I would like to repeat the words of the Finance Minister who said while inaugurating a conference of Chartered Accountants, that much of the ills of society can be eliminated if these two professions are upright—the profession of chartered accountants and the profession of lawyers. I totally agree with him at least on this point. If this profession is not set in proper order, then this profession will get rebuffs even from intellectual persons like Bernard Shaw who had called this profession as an "intellectual prostitution".

Pandit K. C. Sharma: Sir, on a point of personal explanation, I want to say that I was hard pressed and I had to go out immediately after my speech. I have the greatest respect for the Chair. I did not mean any disrespect.

Mr. Deputy-Speaker: I am not saying that I should be respected. The Chair is to be respected. But this amounts to disrespect to the House, not to the Chair alone. I was not talking of the hon. Member alone. I have noticed that other hon. Members also as soon as their speech is finished pick up the papers and walk away very comfortably. That should not be the procedure.

Shri Ram Krishan Gupta.

श्री राम कृष्ण गुप्त : उपाध्यक्ष महोदय, ला कमीशन ने अपनी चौंदहवीं रिपोर्ट में यह कहा है :—

"A well-organised system of judicial administration postulates a properly equipped and efficient Bar."

[श्री रामकृष्ण गुप्त]

यह बिल्कुल सही है और इसी बात को देखते हुए इस बिल को इंट्रोड्यूस किया गया है। आज हमें यह देखना है कि ला कमीशन का इस बिल को इंट्रोड्यूस करने में जो मुद्दा था वह इस बिल के पास होने से कहां तक पूरा होगा ? ज्वाइंट सेलेक्ट कमेटी ने भी इस बात पर विचार किया और बहुत से इम्प्रूवमेंट्स पेश किये लेकिन मैं फिर भी समझता हूं कि दो, चार बातें जो कि बहुत जरूरी थी, रह गई हैं, और मुझे पूरा भरोसा है कि माननीय मंत्री मेरी इन दो, चार तजवीजों पर गौर करेंगे ताकि इस में जो कमी है वह भी पूरी हो जाये। मैं यह बात इसलिये कह रहा हूं कि एक युनिफाईड बार की बहुत जरूरत है और जिस के कि बारे में ला कमीशन की रिपोर्ट में भी जिक्र किया गया है :—

"The united Bar of India can be a powerful influence for welding the country together and for combating all sectional, regional and communal trends. It can largely mould public opinion in matters relating to law, legislation and the administration of justice. The impact of the lawyer on public affairs is wanting."

इसलिये आज हमें यह देखना है कि इस बिल के पास होने से हमारा यह मकसद पूरा हो सकता है या नहीं। मैं यह महसूस करता हूं कि जहां तक इस बात का ताल्लुक है सबसे पहला सवाल हमारे सामने यह है कि इस बिल के सैक्शन ६ और ७ में जो बार बनेगी उसके फंक्शन्स का जिक्र किया गया है। मैं यह महसूस करता हूं कि वह बहुत लिमिटेड है। मैंने ज्वाएंट सेलेक्ट कमेटी की रिपोर्ट को खूब गौर से पढ़ा और जो मेम्बर्स ने अपने मिनट्स आफ डिस्सैंट दिये हैं उनको भी पढ़ा है। उनमें भी मेरी इसी बात की ताईद की गई है। मैं यह महसूस करता हूं कि सबसे जरूरी बात यह थी कि उन फंक्शन्स को बढ़ाया जाता और ज्यादा पावर्स बार कौंसिल को दी जातीं ताकि बार कौंसिल का जो ऐम और मकसद था उसको वह पूरा कर सकते। इसके लिये मेरी सबसे पहली अपील यह है कि जहां तक सेलेक्शन आफ जजेज का सवाल है मैं यह महसूस करता हूं कि बार कौंसिल का इसमें कोई हाथ नहीं होगा कम से कम बार की इस मामले में राय जरूर ले लेनी चाहिये क्योंकि उपाध्यक्ष महोदय, आप भी इस बात को तसलीम करेंगे कि किसी भी मुल्क के अन्दर जुडिशियरी का दारोमदार एक अच्छे जज के होने पर डिपेंड करता है। आज भी हाउस में यह क्वैश्चन आया था और ला कमीशन ने भी अपनी रिपोर्ट में इस बात को कहा है :—

"Political, communal, regional and executive influences are the main factors which influence the appointment of judges at present."

मैं यह महसूस करता हूं कि अगर बार कौंसिल को इस मामले में कौनफिडेंस में लिया जाय उसकी राय ली जाय तो यह ईविल काफी हद तक दूर हो सकती है और जज मैरिट पर चुने जा सकते हैं। इसलिये मेरी यह अपील है कि इस बात पर विचार किया जाय और बार कौंसिल की पावर्स और फंक्शन्स को बढ़ाया जाय।

दूसरी बात मैं स्टाम्प ड्यूटी के बारे में कहना चाहता हूं। इस बिल के क्लाज नम्बर २४ में इस बात का जिक्र किया गया है और यह कहा गया है :—

"that he has paid an enrolment fee of Rs. 250 to the State Bar Council;"

इसका मतलब यह हुआ कि जो भी ला ग्रेजुएट्स ऐडवोकेट बनना चाहेंगे उन्हें स्टाम्प ड्यूटी के अलावा २५० रुपया भी देना पड़ेगा। अगर मैं आपके सामने तमाम स्टेट्स की फीगर्स रक्खूं तो आप को यह जान कर हैरानी होगी कि बहुत सी ऐसी स्टेट्स हैं जहां ७५० और १००० रुपये के करीब भी स्टाम्प ड्यूटी लगी हुयी है। इसका मतलब यह हुआ कि १०० रुपये से ज्यादा ऐडवोकेट बनने के लिये हर

महीने पे करना पड़ेगा । अब हमारे देश के अन्दर बहुत से ऐसे वकील हैं जिनकी कि आमदनी १०० रुपये से ज्यादा नहीं है और ऐसी हालत में आप ही मुझे यह बतलायें कि वह इतना बर्डन कैसे बर्दाश्त कर सकते हैं ?

इस रिपोर्ट में भी इस बात का जिक्र किया गया है और इस बात को महसूस किया गया है । यह कहा गया है कि स्टेट्स अपील कर सकेंगी और वह इस बात पर विचार करेंगे लेकिन मुझे इस बात का डर है, मुझे यह ऐप्रीहेंशन है कि अगर सेंट्रल गवर्नमेंट की तरफ से इस बात पर पूरा जोर नहीं दिया गया तो शायद स्टेट्स इसके लिये कोई अमली कदम न उठायें बल्कि मैं तो यह देख रहा हूं कि जो स्टाम्प ड्यूटी है उसको बढ़ाने की कोशिश हो रही है । बहुत सी स्टेट्स ने, यह तजवीज की है कि इसको और अधिक बढ़ा दिया जाय । इसलिए मेरी यह अपील है कि इस बारे में मजबूत कदम उठाया जाय और इसको एबौलिश कर देना चाहिये क्योंकि जब आप चाहते हैं कि तमाम मुल्क के अन्दर ऐडवोकेट्स का स्टैण्डर्ड ऊंचा हो तो एक यूनिफार्म बार बने और वह २५० रुपया पे करें तो मैं महसूस करता हूं कि स्टाम्प ड्यूटी का जो ऐडीशनल बर्डन है वह रिमूव कर दिया जाना चाहिये ।

उपाध्यक्ष महोदय : यह सालाना नहीं है ।

श्री रामकृष्ण गुप्त : इस के बारे में जो ला कमीशन की १४वीं रिपोर्ट है उसमें भी इस बात की ताईद की गई है और यह कहा गया है :—

"We have been at pains to find out how and on what principle entrance to this profession came to be taxed when no similar impost is levied on entry into other professions. We have not been able to discover any sound reason or principle for this levy. So far as we know, though payments have to be made to professional bodies like the Inns of Court or the Law Society, no fees are levied in England by the State for the issue of a licence to practise the profession. Nor are we aware of any such fees being levied in the United States. In our view, this imposition is totally unjust and should be abolished."

मैं समझता था कि ज्वायंट सिलैक्ट कमेटी इस बात पर विचार करेगी और इस बिल में कोई न कोई ऐसी क्लाज़ ज़रूर होगी, जिससे कि स्टाम्प ड्यूटी को एबौलिश कर दिया जाये । जहां तक ज्वायंट सिलैक्ट कमेटी के तमाम मेम्बरान का सवाल है, मिनट्स आफ डिसेन्ट को भी देखने से पता लगता है कि वे इस बात के बहुत ज्यादा हक में थे । जहां तक कांस्टीट्यूशनल डिफीकल्टी का सवाल है, मैंने उसको देखा है और मैं महसूस करता हूं कि इसमें कोई कांस्टीट्यूशनल डिफ़ीकल्टी नहीं है, वर्ना डाउट का सवाल पैदा ही नहीं हो सकता था । इसलिये मैं इस बात पर खास तौर पर जोर देता हूं कि मेरी इस बात को ज़रूर स्वीकार कर लिया जाये और मुख्तलिफ स्टेट्स में जो स्टाम्प ड्यूटी लगाई गई है, उस को टोटली, मुकम्मल तौर पर एबालिश कर दिया जाये ।

Shri C. R. Pattabhi Raman: It is rather academic, if I may say so. Hereafter the Bar Council is the body that has to levy this. In future, when the Bill becomes an Act, all this will become academic. It will not be leviable by the States.

श्री रामकृष्ण गुप्त : यह बात ठीक है कि आइन्दा जो बार कौंसिल बनेगी, वह इस मामले पर विचार कर सकती है और वह इस बारे में जो राय देगी, उस पर विचार हो सकता है, लेकिन मैं महसूस करता हूं कि इसके साथ साथ आप इस बात को तस्लीम करेंगे कि यह एक्ट तब लागू होगा, जबकि यह बिल पास हो जायेगा । हिन्दुस्तान में काफी से ज्यादा वकील ऐसे हैं, जो यह एक्स्ट्रा बर्डन बर्दाश्त नहीं कर सकेंगे और

[श्री रामकृष्ण गुप्त]

अपने आपको विदिन टु यीअर्स बतौर एडवोकेट एनरोल नहीं करा सकेंगे । इसलिये मैं महसूस करता हूं कि इस बिल के पास होने से पहले.....

Shri Amjad Ali: Possibly, the hon. Member is under a misapprehension that the fee of Rs. 250 has got to be paid annually. It is only once during the entry into the profession.

Mr. Deputy-Speaker: I tried to correct him twice, but he does not care to listen.

Shri Amjad Ali: I am pointing this out, because, in this process, possibly something wrong is going into the records. It is the official record of Parliament, and the correct thing should be there.

Mr. Deputy-Speaker: My interruption must have also gone into the record, as also the hon. Member's.

पंडित कृ० चं० शर्मा : उन की जबान से निकल गया है ।

श्री राम कृष्ण गुप्त : ला कमीशन की रिपोर्ट में इस बात को कहा गया है कि हमारे सामने दूसरा सबसे बड़ा सवाल यह है कि हमारे प्रोफ़ेशन का, एडवोकेट्स का, स्टैण्डड आफ़ लिविंग कैसे ऊंचा किया जाये । मैं समझता हूं कि इसके लिये बार कौंसिल की राय ली जाय और उसको यह पावर दी जाये कि सिस्टम के रिफ़ार्म के लिये वे जो तजवीज़ पेश करें, उन पर विचार हो सके । हम देखते हैं कि हमारा मौजूदा सिस्टम ब्रिटिश सिस्टम की लिगेसी है और इसमें बहुत से डिफेक्टस हैं । इस सिलसिले में मैं खास तौर पर दो बातों का ज़िक्र करना चाहता हूं ।

सबसे पहली बात यह है कि फ़ैसलों में इनऐडिनेट डिले होती है । इस बात का ज़िक्र मुझ से पहले कई माननीय सदस्यों ने भी किया है । इस तरफ़ ध्यान देने की बहुत ज्यादा ज़रूरत है, ताकि मुकदमाजात के फ़ैसलों में ज्यादा डिले न हो, क्योंकि आप इस बात को तस्लीम करेंगे कि **जस्टिस डिलेड इज जस्टिस डिनाइड** ।

इसके अलावा हमारा मौजूदा सिस्टम बड़ा कास्टली है और ग़रीब आदमी इससे फायदा नहीं उठा सकते हैं । हाईकोर्ट और सुप्रीम कोर्ट में जाने के लिये बहुत ज्यादा रुपया खर्च करना पड़ता है । इसलिये मैं समझता हूं कि मौजूदा सिस्टम को चीप और सिम्पल बनाने के लिये भी कोशिश की जाये, ताकि हर आदमी आसानी से इस से फ़ायदा उठा सके और कोर्टस से जस्टिस हासिल कर सके ।

ज्वायंट सिलेक्ट कमेटी ने मोड आफ़ इलैक्शन के बारे में जो तजवीज़ पेश की है, मेरे ख्याल में वह बहुत अच्छी है और पहले सिस्टम पर एक इम्परूमेंट है । आरिजनल तजवीज़ यह थी कि बार कौंसिल का इलैक्शन होगा, लेकिन ज्वायंट सिलैक्ट कमेटी ने उस को इम्परूव किया है और अब सिस्टम आफ़ प्रोपोर्शनल रिप्रेज़ेन्टेशन बाई मीन्ज़ आफ़ दी सिंगल ट्रांसफरेबल वोट के मुताबिक इलैक्शन होगा । मैं समझता हूं कि इस तरीके से हर एक सैक्शन के वकील और एडवोकेट क्लैक्ट हो सकेंगे और बार कौंसिल पर एक ग्रुप या एक सैक्शन की मोनोपली नहीं हो सकेगी ।

आखिर में मैं सिर्फ़ इतना कहना चाहता हूं कि जो २५० रुपये की फ़ीस रखी गई है, उसके बारे में ज्वायंट सिलेक्ट कमेटी के दो मेम्बरों ने यह ज़ोर दिया है कि वह १२५ रुपये से ज्यादा नहीं होनी चाहिये, क्योंकि जैसा कि मैंने पहले भी ज़िक्र किया है, उन को स्टाम्प डयूटी के तौर पर इकट्ठा रुपया देना पड़ेगा । इसलिये मैं समझता हूं कि इस बर्डन को ज्यादा कम किया जाये ।

इन शब्दों के साथ मैं यह उम्मीद करता हूं कि इन बातों पर जरूर विचार किया जायेगा और इस बिल में जो दो चार कमियां हैं, उन को दूर करने की कोशिश की जायेगी । खास तौर पर जो स्टाम्प ड्यूटी का मामला है, उसको मैं बहुत अहम समझता हूं और मुझे उम्मीद है कि उस को एबालिश करने की पूरी कोशिश की जायेगी ।

Shri N. R. Muniswamy: I welcome this Bill mainly for one reason namely that it regulates the legal profession in a manner which is most acceptable to many of the Members here. I would like to make a few observations on the salient features of this Bill, and they are as follows.

The previous speakers have commented on the professional conduct of the members of the legal profession which is derogatory to the moral standards, and they have emphasised that the members of the Bar should maintain the highest standards of dignity and professional conduct. I would submit that this is due to the overcrowding of the profession. Not only is there overcrowding, but there is also a sort of competition in respect of the fees. A good deal has been said about the fact that the seniors' charges are heavy, and sometimes, they do not even accept cheques, but only cash payments. It is all a question of contacts. At the time of engaging the senior, the junior makes all these arrangements, and the payments are made. My only suggestion, which will probably arrest this tendency, will be to put a ceiling on the number of Members of the Bar for each State. It may look somewhat odd, but this is the only profession which allows any number of persons to be enrolled as advocates. I know that in the initial stages, when the members of the Bar do not have proper practice, they will be going from court to court, wearing their gowns, and making no impression on the entire profession. Therefore, if there is a ceiling on the number of members of the Bar who could be enrolled, we can certainly maintain the standards, and the great efficiency and decency of the profession as well.

This suggestion, as I have stated earlier, may look odd, but it is mainly by way of stop-gap arrangements that students go in for law, thinking that they might be absorbed somewhere in Government services. They wait for two or three years, and after having qualified, if they do not get a Government job, they try to enrol themselves again by paying a sum of Rs. 500 or Rs. 675 as the case may be as the enrolment fee; even after enrolment, they go on trying for some job, until at last they either get an aptitude for the profession itself or they get another job.

So if we have a ceiling, as obtains in Pondicherry as well as in France, whereby a certain number of practitioners only will be enrolled, the names of others who come in the field being kept in reserve and they coming into the list as members already in the list retire or die, the level and standard of the profession will be maintained. As it is, it is an overcrowded profession. So many things have been said about it, that it is a noble profession and all that. But when illustrations are given, we do not find it a very happy state of affairs.

We all know that the seniors are suffering while the juniors are starving. At a time when the seniors are suffering, we cannot expect them to dole out their income to the juniors. At the same time, when the juniors are starving, it is quite natural that there should be some sort of arrangement whereby they have also some income. Therefore, when we fix a ceiling for the number of members of the Bar, the system of juniors and seniors has also to be adhered to. The relationship between the senior and junior must be maintained in such a way that the senior takes care of the junior. More often the juniors are not encouraged by the seniors for their

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own reason. The reason is that they do not wish to part with their income. That is the reason why the ceiling must be put in.

As regards the other aspect, namely, with regard to persons admitted as advocates in the State Bar, vakils, attorneys and pleaders are given a period of two years to get themselves enrolled as advocates. These two years count after the coming into force of this enactment. But I do not know what will happen if they do not get themselves enrolled. In case they try to get themselves enrolled within a period of two years, they will have to pay over again Rs. 250 each as has been prescribed. Nothing has been said as to whether they would automatically get themselves converted into advocates within a period of two years or they should be enrolled as advocates after payment of Rs. 250. Nothing has been said in this Bill about that. It may be that it might be left to the Bar Councils to frame rules. But even rule-making power also has not been provided in this Bill indicating how this category of people, pleaders and vakils, could be enrolled as advocates. This is an aspect that has to be looked into by Government.

As regards funds, it is quite right to provide certain funds to help disabled advocates and practitioners. At the fag end of their life, some of them sometimes do not have anything to fall back upon. We know of cases of people who are 90 years of age, who cannot read or even follow things, sometimes getting brief from juniors because they have got the ability to put forth things properly. That is the reason why they are still able to practise. I only wish that an age-limit is put in for advocates, just as we have an age-limit for all professions. I am myself a lawyer; at the same time, I feel that this must be done (*Interruptions*).

Mr. Deputy-Speaker: What about politicians.

Shri N. R. Muniswarmy: You have rightly drawn my attention to politicians. But politicians need not have any qualifications, any educational qualification or any other qualification. The only qualification needed is manoeuvrability. If they have got that, they can continue.

Mr. Deputy-Speaker: Does he recommend an age-limit so that the older people retire to make room for younger people?

Shri Narayanankutty Menon: I want to add a little qualification to the remark that he made that it must apply to one side alone.

Shri N. R. Muniswamy: I agree that there must be some age-limit After having done so much work, they should retire; otherwise, they would be overworked. In England I was told that the Judges could serve for many more years; that is, as long as they are alive and they want to serve, they can be Judges. In India, Sir, you have occupied the highest position in the judiciary, Sir and you have yourself known the difficulties. You would have seen when you were a Judge how the juniors argued and the seniors argued. The Joint Committee has not thought it fit but I feel that there should be some age limit put in this Bill.

Mr. Deputy-Speaker: Mostly a lawyer does not survive without practice; as soon as he gives up practice, he dies.

Shri N. R. Muniswamy: For enrolment, there is an age limit of 21 years. When you prescribe the minimum age for enrolment, there must be an upper age limit. It is not that their name should be struck off from the register.

For the purpose of actual practice, we must have an age limit; it may be 40 or 50 years of practice or the age of 65 or 70. Beyond 70, it is not safe to entrust any case. Of course it is left to the clients. If they chose to entrust him with their case, then it is a different thing. I am saying that we should see whether it is advisable.

Mr. Deputy-Speaker: There ought to be some distinction. Whereas a public servant with an advanced age is there on account of his office, a lawyer cannot be forced upon a litigant; he is to be chosen by the client. If on account of the advanced age a lawyer is not suitable, then the client can go to another quite easily, to any other younger man like the hon. Member himself.

Shri N. R. Muniswamy: I do not want to transgress into points which are not relevant for the purpose of this Bill and I shall conclude soon. Shri Tyagi said that this Bill was somewhat on the model of a trade union. I do not know the background or the idea behind his suggestion. I appreciate his point to some extent that even lawyers are supposed to be traders.

Pandit K. C. Sharma: No, no. There is difference between profession and trade.

Shri N. R. Muniswamy: With great respect to the hon. Member I want to point this out. What is meant by saying that a person is a trader? He trades merchandise . . . (*Interruptions*). Lawyers are merchants in the sense that they are merchants of wisdom; they are paid for their wisdom.

Mr. Deputy-Speaker: Merchandise is passed on to another person who can keep it for himself. But wisdom cannot be passed on like this.

Pandit K. C. Sharma: With all respect to my hon. friend, I may point out that there is a difference between profession and trade; there is a difference between profession and learned profession.

Mr. Deputy-Speaker: He knows it all right.

Shri N. R. Muniswamy: Since I have not much time at my disposal, I will pass on to another point from this controversy. Article 145 of the Constitution is referred in clause 52. It says—article 145—that the Supreme Court can make rules for the admission of advocates, junior or senior. But there they make such a distinction such as advocates who are on record and advocates who are practising without being on record. This distinction works havoc with regard to some advocates who had been enrolled in 1952, 1953 or 1954. Unless an advocate happens to sit for a particular examination, he cannot practise as an advocate, unless he appears on behalf of somebody else. So, this should not be made applicable to the advocates who had been enrolled before 1955 or 1956 or before these changes came into effect. I only want that there should be some sort of provision as regards this aspect of the matter, so as not to have retrospective effect in respect of the advocates who had been enrolled in an earlier period, before they brought in these changes. So, article 145 does not cover the case that I am pleading. Therefore, the Supreme Court should take into consideration this aspect. Any provision that they want to make will be made applicable only prospectively and not retrospectively.

With these words, I resume my seat.

Mr. Deputy-Speaker: Shri D. C. Sharma.

An Hon. Member: He wants to speak on law also!

Mr. Deputy-Speaker: He is very anxious that he should contribute to this debate. An objection has been taken from this side that as Shri D. C. Sharma belongs to the teaching profession—he is a professor—he need not come into the legal profession!

Shri D. C. Sharma (Gurdaspur): Mr. Deputy-Speaker, Sir, I would come to that point later on. One of the regrets of my life is this: that I did not study law.

Shri Hajarnavis: That is the lawyers' regret also.

Shri D. C. Sharma: I believe that proficiency in law, whether one practises it or not, is one of the great assets that any intelligent man can have in this 20th century. I feel that lawyers have done a great deal of service to our country at least before India became free. I think of the great freedom-fighters amongst the lawyers. I think of those lawyers who manned voluntarily some of our social services and who ran our educational and other institutions which did a lot of good to our country. I also think of some lawyers who, out of the fulness of their pockets, gave away large sums of money to public institutions. I also think of some lawyers who were always ready to respond to any call of distress on behalf of the public and who were always ready to serve those causes which did not bring them either money or goodwill at the hands of the rulers that we had. This was the situation before India became free.

Now, as I go about this country, I find that if there is one class of people in the country which suffers from a great deal of frustration, it is the lawyer class.

Shri Nagi Reddy (Anantapur): Why?

Shri D. C. Sharma: Why it is so is evident from the fact that most of them want to come to Parliament and some of them want to go to other avenues of service. I judge this Bill only by one test and it is this: Is this Bill going to diminish the sense of frustration from which the lawyers in India are suffering today? It may or may not be that, but the fact of the matter is this. I have divided the lawyers into three classes. There are some who belong to the indigent class; there are some lawyers who belong to the marginal class; they make just enough to keep the pot boiling. Then there are some lawyers who belong to the affluent class. This affluent class of lawyers does very well.

One of the wholesome provisions that this Bill has made is this: it has given some kind of tardy, remote, half-hearted insurance to the lawyers who belong to the indigent class or who belong to the marginal class. It has given them some kind of hope that they will enrol themselves as junior advocates and can find some work. But this is not the only thing that this Bill has done.

I think this Bill might have done a little better. It should have been a kind of social insurance for those lawyers who are trying to make their way in the world of the legal profession, who are trying to climb the different rungs of the ladder of the legal profession. On the face of it, it is a professional Bill. It is a Bill which wants to level up the standards of the profession. It wants to unite the profession in one bond. It wants to give them standards of service and all that kind of thing.

But I think this Bill is sadly lacking in one thing, *viz.*, it has not provided any kind of social insurance for those lawyers who are just beginning their career or who, in spite of their efforts, have not been able to make good. I feel this is the greatest defect from which this Bill suffers. What is the good of saying to a lawyer. "You will do this or you will do that; you will have this or you will have that" unless you tell him also that there are certain avenues which are open to him for earning a decent living? From that point of view, this Bill is not very good. Of course, there is a provision here that there should be a benevolent fund for indigent lawyers, but my feeling is that that kind of provision should have been enlarged and some help should have been given

to those lawyers who are not able to make good.

Again, this Bar Council has been saddled with so many functions that I am afraid it will lead to a great deal of defeat of its purpose, because no human institution can look after all these things. I find that almost all the letters of the alphabet have been exhausted in order to enumerate the functions of the Bar Council. My feeling is that those functions should have been simplified and they should not have been given in such a great degree. I think only three functions should have been there. They should have safeguarded the rights and privileges, they should have promoted law reform and they should have tried to provide legal education.

I think the legal profession is not doing very well in free India. When I go about in my constituency, I hear a large number of complaints from the lawyers saying that they are not treated well by the magistrates and judges, not at the higher level, but at the lower level. By means of this, will they be able to ventilate their grievances against any judge or any magistrate? They will not be able to do so, because unfortunately the legal profession has lost that spirit of independence which it had, when you were practising as a lawyer. It has lost that spirit which it used to have when persons of your generation were manning that profession.

Pandit K. C. Sharma: He belongs to the present generation.

Shri D. C. Sharma: You belong to a generation that is dead; I do not know why you are there.

Mr. Deputy-Speaker: Order, order.

Shri D. C. Sharma: I was submitting this with reference to my friend here.

Pandit K. C. Sharma: I am young and living.

Shri D. C. Sharma: This safeguard is there. But I wonder if they will be able to make use of it.

17 hrs.

Mr. Deputy-Speaker: That was rather too much, though it was towards the end of the day.

Shri D. C. Sharma: No, Sir. What I mean to say is that this is spoken in a spirit of irony. I mean just the reverse of it. He belongs to the present day and I hope he will live very very long.

I was submitting very respectfully that so far as law reform is concerned, there cannot be any law reform in this country so long as we are following the pattern of British justice. British justice has many advantages, I do not deny it. But British justice is a series of entanglements, it is a series of so many complications, and I believe that India requires a simpler kind of justice, a less involved justice, a justice which does not depend too much on case law, too much on precedents and too much on the All India Reporter, the Madras High Court Reporter, the Bombay High Court Reporter and the Punjab High Court Reporter. I think our law has become a big jungle, if I can put it like that, and on account of so many interpretations it has become more complicated than necessary. I believe even our Law Commission has not been able to do anything. Our Law Commission has done some tinkering here and there, but it has not been able to change the basic structure of the law. As long as the basic structure of the law remains the same as it is now in India, I think to talk about the fees of these lawyers, to talk about the stamp duty and to talk about other things is infructuous. As long as this system of justice remains, the fees are bound to go up, as long as this system of justice remains you cannot abolish stamp duty because we are in for a very expensive, outlandish system of justice. It may be good, it may be bad, but I would say

[Shri D. C. Sharma]

that we are in for that kind of justice which is not wholly suited to our genius and to our climate. I would like some man, a genius to be borne in India who would give us that kind of justice which suits the conditions of India.

I hope this Council will do its best so far as legal education is concerned. Legal education is in a very sorry state of affairs. Legal education in some States is only an appendix of other kinds of education where people study late in the evening when everything else is over. I think legal education should be taken more seriously, if legal education is taken more seriously then the legal profession will be taken more seriously, and if legal profession is taken more seriously the lawyers will also reap that advantage. But, unfortunately, legal education in my country is not having that kind of charm which it should have.

So far as disciplinary court is concerned—I do not want to say anything about the enrolment fee of Rs. 250; it has been already said that it is exorbitant and I agree with my hon. friends—I think the procedure for it has been made very cumbersome. We have the anti-corruption department, the vigilance department and other departments which we have evolved in free India to rid ourselves of corruption and other things. What is the result of these departments? No case is proved. Even if you take a case to a court of law, it does not serve its purpose. So all these departments are there without producing any result. Similarly, the disciplinary body will have very good intentions but its procedure is going to be so cumbersome that it will be infructuous and it will not be able to catch any culprit. But it will have the capacity to harass some persons. It will harass some persons without doing anything substantial. I wish that the legal mind should have got out of the way of thinking in an involved manner and should have evolved some simple formula. I think the whole problem of law in my country is the problem of simplification of law and the whole problem of this Bill should have been simplification. But I think, in spite of simplifying things, they have made things more complicated, and I am sorry to say that this Bill may prove as infructuous as other things have proved. All the same I wish it well.

Mr. Deputy-Speaker: Shri Khadilkar might begin.

Shri Khadilkar: Just now the hon. Member said that a lawyer is one who deals in some sort of wisdom which is a merchandise.

Mr. Deputy-Speaker: He might continue tomorrow. The House stands adjourned.

17.07 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, April 27, 1961/Vaisakha 7, 1883 (Saka).

[*Wednesday, April 26, 1961/Vaisakha 6,* 1883 (Saka)]

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3965.	Theft in C.O.D., Delhi Cantt.	13998
3966.	505 Army Base Workshop, Delhi Cantt.	13899
3968.	Crimes in Manipur	13899–13900
3969.	Utilisation of allocations by Manipur Administration	13900
3970.	Tours by high officials of Manipur	13900
3971.	Copper Carbonate deposits in Jabalpur and Bastar	13901
3973.	Foreign exchange for 1961-62	13901
3974.	Hindi examinations conducted by Ministry of Home Affairs	13901–02
3975.	Regional Engineering College in Kerala	13902
3976.	Firing in Kumbi in Manipur	13902–03
3977.	Village Authorities elections in Manipur	13903
3978.	Promulgation of Section 11 in Manipur Hill Areas	13903–04
3979.	Pay-scales of teachers of Delhi, Banaras and Aligarh Universities	13904

CORRECTION OF ANSWER *to U.S.Q.* No. 2437, dated 28-3-61. 13905

MOTION FOR ADJOURNMENT 13905-15

The Speaker withheld his consent to the moving of an adjournment motion given notice of by Sarvashri Rajendra Singh, Braj Raj Singh, Indrajit Gupta, Tangamani and Aurobindo Ghosal regarding certain instructions alleged to have been issued by D.G. P.&T. intended to revent the staff from representing their grievances to the authorities concerned.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE 13915–17

Shri Chintamoni Panigrahi called the attention of the Minister of Education to the discharge of about 300 primary teachers in the Puri district of Orissa.

The Minister of Education (Dr. K.L. Shrimali) made a statement in regard thereto.

PAPERS LAID ON THE TABLE 13917–19

(1) A statement regarding penetration by Pakistani aircraft into Indian territory.

(2) A copy each of the following Notifications, issued by the Government of Orissa, under sub-section (3) of Section 57 of the Orissa Zilla Parished Act, 1959 read with clause (c) (*iv*) of the Proclamation dated the 25th February, 1961 issued by the President in relation to the State of Orissa:

(*a*) Notification No. 17066 published in the Orissa Gazette dated the 3rd December, 1960

PAPERS LAID ON THE TABLE—*contd.*

containing the Orissa Zilla Parishad (Conduct of Election, Election Disputes and Decision about Disqualification of Members) Rules, 1960.

(*b*) Notification No. 43-Z.P. published in the Orissa Gazette dated the 7th January, 1961 making certain amendments to the Orissa Zilla Parishad (Conduct of Elections, Election Disputes and Decision about Disqualifications of Members) Rules, 1960.

(*c*) Notification No. 480-Z.P. published in the Orissa Gazette dated the 28th January, 1961 making certain amendments to the Orissa Zilla Parishad (Conduct of Elections, Election Disputes and Decision about Disqualification of Members) Rules, 1960.

(d) Notification No. 243-I -Spl.-84[60-Z.P. publishd in the Orissa Gazette dated the 18th January, 1961 containing the Orissa Zilla Parishad (Conduct of Business) Rules, 1960.

(3) A copy of the Notification No. G.S.R. 418 dated the 1st April, 1961 making certain amendments to Schedule III to the Indian Administrative Service (Pay) Rules, 1954, under subsection (2) of Section 3 of the All India Services Act, 1951.

(4) A copy each of the following Notifications under subsection (4) of Section 43B of the Sea Customs Act, 1878.

(*a*) G.S.R. 520, dated the 15th April, 1961.

(*b*) G.S.R. 521 dated the 15th April, 1961.

(*c*) G.S.R. 522 dated the 15th Apri, 1961.

(d) G.S.R. 523, dated the 15th April, 1961.

(5) A copy of Scheme for the reconstruction of the Bank of Kerala Limited and its amalgamation with the Canara Bank Limited, published in Notification No. S.O. 858 dated the 15th April, 1961 under sub-section (11) of Section 45 of the Banking Companies Act, 1949.

REPORT OF COMMITEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS—PRESENTED . 13919

Eighty-fourth Report was presented.

MOTIONS FOR ELECTION TO COMMITTEES . . 13919—21

The Minister of Scientific Research and Culturl Affairs (Shri Humayan Kabir) movved that the Lok Sabha elect one Member from among themselves to serve as a Member of the Governing Council of the Indian School of Mines, Dhanbad. The motion was adopted.

The Deputy Minister of Education (Dr. M.M. Das) moved that the Lok Sabha elect two Members from among themselves to serve as Members of the Advisory Board for National Atlas and Geographic Names for the term commencing from the date of notification in the official gazette. The motion was adopted.

ORISSA DEMANDS FOR GRANTS, 1961-62 . . 13921—32

Further discussion on the Demands for Grants in respect of the Budget of the State of Orissa for 1961-62 concluded. The House divided on cut motion number 24 moved by Shri Chintamoni Panigrahi. The cut motion was negatived by 107 votes to 18. All other cut motions were negatived and the Demands were voted in full.

BILL PASSED . . . 13933—53

The Minister of Food and Agriculture (Shri S.K. Patil) moved for consideration of the Essential Commodities (Amendment) Bill, 1961. The motion was adopted. After clause-by-clause consideration, the Bill was passed.

BILL UNDER CONSIDERATION . . . 13953—14036

The Deputy Minister of Law (Shri Hajarnavis) moved for the consideration of the Legal Practitioners Bill, 1959, as reported by the Joint Committee. The discussion was not concluded.

AGENDA FOR THURSDAY, APRIL 27, 1961 / VAISAKHA 7, 1883 (SAKA)—

Further discussion and passing of the Legal Practitioners Bill, 1959, as reported by the Joint Committee. Discussion on the motion to refer the Income-Tax Bill, 1961, to Select Committee

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GMGIPND—LS II—390 (Ai) LS—6-5-61—950.